

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 753  
Tuesday, July 14, 1998, 1:00 p.m.  
Francis F. Campbell City Council Room  
Plaza Level of City Hall  
Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
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Cooper  
Dunham  
Perkins  
Turnbo  
White

Arnold  
Beach  
Stump

Ballentine, Code  
Enforcement  
Parnell, Code  
Enforcement  
Alan Jackere, Legal  
Department  
Mike Romig, Legal  
Department

The notice and agenda of said meeting was posted in the Office of the City Clerk on Thursday, July 9, 1998, at 3:28 p.m., as well as in the Reception Area of the INCOG offices.

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

**REQUEST FOR CONTINUANCE**

**Case No. 18112**

**Action Requested:**

Variance of required off-street parking spaces for a welding school from 163 to 0 spaces or in the alternative grant a Special exception for Use Unit 10 on the RM-2 zoned portion of the subject tract. **SECTION 1215.D. USE UNIT 15. OTHER TRADES AND SERVICES, Off-Street Parking and Loading Requirements OR SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 10;** Variance to allow required off-street parking on a lot other than the lot containing the principal use. **SECTION 1301.D. GENERAL REQUIREMENTS;** Variance of setback from centerline of an abutting street for off-street parking. **SECTION 1302. B. SETBACKS;** Variance of landscaped area abutting a street or residential district. **SECTION 1002.A.2&3. LANDSCAPE REQUIREMENTS, Frontage and Perimeter Requirements,** located between Atlanta and Birmingham and 10<sup>th</sup> and 11<sup>th</sup> Street South.

**Comments and Questions:**

Mr. Beach stated that Scott Swearingen, President of the Renaissance Neighborhood Association, made this request for continuance. Mr. Swearingen stated that the Kendall-Whitter Neighborhood Association was not notified of this case.

**Presentation:**

The applicant, **Roy D. Johnsen**, 201 West 5<sup>th</sup> Street, Suite 440, stated that he was not aware of the request for continuance until mid-morning today. Mr. Johnsen said that he has talked to his client and he is not authorized to agree to a continuance. Normally he would but in this situation, they have some contractual obligations that they are trying to meet. Mr. Johnsen mentioned that in the neighborhood letter, they have noted their objection to the variance of the landscaping. The Board could be aware of that objection and still hear the case. Proper notice was given, apparently there are two associations in that area, one of those received notice. Notice to the homeowner associations is a courtesy not a requirement of law.

**Interested Parties:**

None.

**Comments and Questions:**

Mr. Beach mentioned that the Renaissance Neighborhood is the neighborhood that is the closest to the property and they were notified.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **DENY** the request for continuance on Case No. 18112.

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**UNFINISHED BUSINESS**

**Case No. 18079**

**Action Requested:**

Variance of all landscape requirements for expansion of a manufacturing facility in an IL District. **SECTION 1002. LANDSCAPE REQUIREMENTS**, located 1559 North Mingo.

**Presentation:**

The applicant, **Jerry Atchison**, was represented by **Roy D. Johnsen**, 201 West 5<sup>th</sup> Street, Suite 440, submitted a site plan (Exhibit A-2) and an easement (A-3). Mr. Johnsen stated he is appearing on behalf of Ameristar Fence Manufacturing Co. Their facility is located north of the northeast corner of Pine and Mingo Road and they own approximately 45 acres. Mr. Johnsen stated that they have an existing building of

approximately 244,000 SF. They propose an expansion to the north and slight east of the existing building and that triggers the landscaping requirement under our Zoning Code. Basically, the landscape ordinance says that you must have 15% of your street yard landscaped. Additionally, based on the amount of street yard there is a tree requirement, which is one tree per 1,500 SF of street yard. In addition to that, based on the number of parking spaces you have, you are required to have a tree per twelve parking spaces and the parking spaces must be within a prescribed distance from a landscaped area. Lastly, it must be irrigated. In this instance, they have an existing building. The proposed building sits several hundred feet back from Mingo and several hundred feet north of Pine. Mr. Johnsen passed out photos (Exhibit A-1) of the existing building to the Board. The existing building is an attractive facility and the front is well maintained, but they do not have trees in the developed part of the site. However, there is substantial tree growth on the property. With the setback from Pine and Mingo, it is AmeriStar's position that landscaping is essentially unnecessary. Mr. Johnsen stated that the way our Code reads, it is difficult in its implementation. If they bring in one ownership and with the existing parking areas that were built before the landscape ordinance was applicable, they would have to go in, identify landscaped areas and irrigate and likely lose some parking. As to the actual change of conditions, the new building basically has no parking in the front. Mr. Johnsen is proposing that in lieu of the requirements of the landscaping ordinance, would agree to a condition, if it were to varied, that the front 50' along Mingo, any mature trees would remain excepting two drives that have already been constructed. The actual pad site is well behind the significant line of trees in all directions. No one will be able to see the plant. Mr. Johnsen suggested the condition that the variance be granted subject to the west 50' of the north 1300' that within that area, mature trees not be removed and there would be no parking in that area and existing tree cover would be there. If you are on the west side of Mingo and you look at the site, it is a solid line of trees. Mr. Johnsen stated that it creates a hardship on Ameristar to go in and redo the front of their existing building. Mr. Johnsen believes that this is a very fine manufacturing facility and it is well taken care of and the Board would meet the City's landscaping objectives by granting a waiver subject to the conditions suggested.

**Comments and Questions:**

Mr. Cooper stated that he is still confused about what his condition precedent would be as far as the trees that will remain and for how long. Mr. Johnsen answer was not audible.

Mr. Dunham stated that they far exceed the amount of trees needed for the landscaping requirement, they just aren't where they need to be. Mr. Johnsen agreed.

Mr. Cooper asked if the trees will remain permanently. He questioned if a lot-split will occur in the future. Mr. Johnsen answered that he did not believe so.

Mr. Stump asked if any additional parking area is being proposed between Mingo and the existing building. Mr. Johnsen answered no. Mr. Stump asked if he would mind prohibiting any additional parking in that area.

Mr. Stump stated as clarification the landscape ordinance on an existing tract with an existing parking lot comes into effect when you have a 100% increase not a 50% increase.

Mr. Jackere asked Mr. Johnsen if he had a landscape plan that shows the number of trees that are to remain for Code Enforcement to review. Mr. Cooper asked Mr. Jackere if the applicant will need to submit a plan. Mr. Jackere said that without some type of concrete documentation, enforcement would be difficult.

Mr. Cooper asked Mr. Johnsen if his clients would have any problem providing a landscape plan showing the existing mature trees. Mr. Johnsen stated that there are so many trees, it would be difficult.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of all landscape requirements for expansion of a manufacturing facility in an IL District. **SECTION 1002. LANDSCAPE REQUIREMENTS** subject to the existing mature trees on the west 50' of the N 1,300' remain and that there be no additional parking west of the existing building, on the following described property:

The S/2 of the N/2 of the SW/4 of Lot 4, and the N/2 of the N/2 of the S/2 of Lot 4 and the N/2 of Lot 4 and all of Lot 3 and the W/2 of the NE/4 of the SW/4, less and except that portion occupied by the rights-of-way of the St. Louis and San Francisco Railroad Company and less and except that portion of said W/2 of the NE/4 of the SW/4 lying N and E of a line beginning at a point 265.86' N 5°21'30" W along the Wly line of Block 1, Wolf Point Industrial Parkway West, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, a distance of 362.71' to a point on the N line of said W/2 of the NE/4 of the SW/4 all in Sec 30, T-20-N, R-14-E of the IBM, Tulsa County, State of Oklahoma.

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**Case No. 18089**

**Action Requested:**

Special Exception to allow a Use Unit 15 in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15** and a Variance of the setback from an R zoned district from 10' to 3'. **SECTION 1215. USE UNIT 15. OTHER TRADES AND SERVICES**, located 12948 East Admiral Place.

**Presentation:**

The applicant, **Benny Briggs**, 1560 Crider Road, Fort Gibson, Oklahoma, submitted a site plan (Exhibit B-1) and building plans (Exhibit B-2) and stated that he is the owner of the property. Mr. Briggs submitted a plot plan. Mr. Briggs stated that Admiral Place is to the north of the property and 129<sup>th</sup> is to the west.

**Interested Parties:**

None.

**Comments and Questions:**

Mr. White asked if the existing huts going to be removed and the applicant answered no.

Mr. Dunham asked the applicant if he plans to add any additional parking. Mr. Briggs answered affirmatively. He indicated that the darkened area will be additional parking.

Mr. Briggs stated that this has been to the building department and that is where the variance on the Use Unit came up. Mr. Cooper asked Mr. Briggs what will the total number of parking spaces provided be. Mr. Briggs answered that it will be whatever was required, he believes eleven or twelve.

Mr. Dunham mentioned that Staff comments say that the new building would require nine spaces and only seven spaces are shown on the plan and the existing building would require eight to ten parking spaces. Mr. Dunham mentioned that Staff does not seem to have any problem with the use as long as he meets the parking requirements. Mr. Briggs stated that he plans on meeting the parking requirements.

Ms. Turnbo mentioned that Staff mentioned that any approval should be subject to no "trade schools". Mr. Briggs agreed to that.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow a Use Unit 15 in a CS zoned district, subject to the applicant providing the required parking spaces. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15** and a Variance of the setback from an R zoned district from 10' to 3'. **SECTION 1215. USE UNIT 15. OTHER TRADES AND SERVICES** on the following described property:

Lot 5, Block 1, Belgray Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**NEW APPLICATIONS**

**Case No. 18083**

**Action Requested:**

Special Exception to allow a home occupation (beauty shop) in an RS-4 zoned district. **SECTION 402.B.6. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, located 920 North Cheyenne Avenue.

**Presentation:**

The applicant, **Johnea Thompson**, submitted a site plan (Exhibit C-1) and stated that she would like a special exception to have a beauty shop in her home near downtown Tulsa.

**Comments and Questions:**

Mr. Dunham asked Ms. Thompson if she has been furnished with the home occupation guidelines. Ms. Thompson answered no, but those are her intentions. Since the business will be in her home, she does not want more than one person at a time. Ms. Thompson stated that most of her clients live in the neighborhood and are elderly. There is not a parking problem because most of her elderly clients either walk or she picks them up and brings them to the shop.

Mr. Dunham stated that if they were inclined to approve this application there could be no signage, there could only be one customer at a time, and there would have to be at least fifteen minutes between customers. Ms. Thompson stated that in a typical day she may take only two or three customers a day. She has had surgery on her feet and can't stand for long periods of time so she does not have people back to back. Ms. Thompson stated that her shop is basically run on a part-time basis.

Ms. Turnbo asked Ms. Thompson if she understands that she cannot hire anyone to come into her home and work. Ms. Thompson said that she understands. Ms. Turnbo asked the applicant what the hours of operation would be and Ms. Thompson answered 9:00 a.m. to 5:00 p.m. Tuesday through Saturday. She stated she may open on Mondays for a special exception. He indicated that she has clients who may have a wedding, funeral or special occasion on Monday and will need their hair done.

Mr. White asked the applicant if there are any other activities that would accompany this such as doing nails, tanning, etc. Ms. Thompson answered no.

**Comments and Questions:**

Mr. Beach stated that the home occupation guidelines are a list of minimum conditions that apply to all home occupations. The things that are mentioned in the Staff comments are additional safeguards that would help to protect the neighborhood. They are not part of the Zoning Code.

**Interested Parties:**

None.

**Comments and Questions:**

Mr. White stated that they do have two support letters (Exhibit C-2) stating their main concerns to be that no signs are allowed and there be no change in the parking. Ms. Thompson stated that her parking will be in the front. She does have rear parking but she and her husband park there to make the front available to the clients. She will have no signs.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow a home occupation (beauty shop) in an RS-4 zoned district. **SECTION 402.B.6. ACCESSORY USES IN RESIDENTIAL DISTRICTS**, subject to the application meeting all home occupation guidelines and that the hours of operation not exceed 9 a.m. to 5 p.m., Monday through Saturday, and there be only one customer at a time and a minimum of fifteen minutes between appointments and no signage and no tanning beds on the following described property:

Lot 2, Block 11, Burgess Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

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**Case No. 18093**

**Action Requested:**

Minor Special Exception to amend a previously approved site plan to permit the addition of a 10'x12' accessory building for an existing church. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, located 6727 South Sheridan Road.

**Presentation:**

The applicant, **Paul A. Grundmann**, 5102 East 86<sup>th</sup> Place, submitted a site plan (Exhibit D-1) and stated that he represents Fellowship Lutheran Church. He is asking for a special exception to allow a 10'x12' steel accessory building to be used for the storage of lawn equipment. The location of the building will be at least 40' from the neighbor's property line. Mr. Grundmann stated that there is no easy viewing from the residences of the storage building. Mr. Grundmann stated that he is not aware of any objections because they tried to take reasonable steps to make contact with the association to let them know what their intentions were and give them option to have input as to where the building would be located.

**Comments and Questions:**

Mr. White asked the applicant if he was involved with the previous case before the Board. Mr. Grundmann said yes. Mr. White stated that the primary concern before was the storage container that was existing. Mr. Grundmann stated that it has now been removed.

**Interested Parties:**

**Janet Person**, 6746 South 66<sup>th</sup> East Avenue, stated that the notice did not specify exactly where they wanted to locate the building. She has no problem with the building or its location.

### Comments and Questions:

Mr. Beach stated that the site plan is not adequate as to the setback from Sheridan, it may or may not be in violation of the setback from Sheridan. Mr. Grundmann stated that it is located north of the existing facility and it is no further west toward Sheridan than the existing facility. Mr. Grundmann does not know how many feet it is exactly. Mr. Stump stated that there is a 35' setback from Sheridan.

### Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Minor Special exception to amend a previously approved site plan to permit the addition of a 10'x12' accessory building for an existing church. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5**, per plan submitted, subject to the building be no closer than 35' east of the west property line, on the following described property:

Lot 14, Block 12, Park Plaza South, City of Tulsa, Tulsa County, Oklahoma.

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### Case No. 18094

#### Action Requested:

Variance of required side yard from 5' to 3.5' on west side and from 5' to 1.5' on east side. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, Variance of required rear yard from 20' to 5'10". **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 240 East 28<sup>th</sup> Street.

#### Presentation:

Rick Stuber, who is an architect with Wilbanks and Associates, 1221 East 33rd, represented the applicant, John R. Connolly. Mr. Stuber submitted a site plan (Exhibit E-1) and mortgage inspection papers (Exhibit E-2). Mr. Stuber stated that this is an existing two story home with a two story detached garage and the owners would like to construct an addition to connect the garage and the house. By connecting the two structures they are required to seek a variance for the existing garage which will not change in its exterior shape or function, other than some interior remodeling. The addition on the second floor will consist of a family room, a breakfast room and a master bedroom. They will be putting the addition in the middle of the backyard deepening the existing driveway to the west. Because of the way the Zoning Code is written, they are required to seek the variance in order to continue to use the existing garage and remodel the apartment, which is currently used for storage.



**Interested Parties:**

**Jeff Levinson**, 35 East 18<sup>th</sup> Street, is representing his client **Debbie Sanditen**, who owns the home immediately south of the subject tract. Mr. Levinson visited with Mr. Connolly and Mr. Stuber. Ms. Sanditen does not object to the plan but she would like to make sure that any approval of a variance is strictly in accordance with the site plan to make sure that there is no change in the footprint and window configuration.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a Variance of required side yard from 5' to 3.5' on west side and from 5' to 1.5' on east side. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, Variance of required rear yard from 20' to 5'10". **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, per plan, finding that they meet the requirements of Section 1607C of the Code, on the following described property:

Lot 6, Block 21, Sunset Terrace Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18097**

**Action Requested:**

Variance of required 10' side yard to 7'3" to allow an addition to an existing garage, which encroaches into the side yard. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS –Use Unit 6**, located 2818 South Delaware Place.

**Presentation:**

The applicant, **Katherine McMahon**, 2818 South Delaware Place, submitted a site plan (Exhibit F-1) and stated that they are proposing an addition to their existing house. They would like to convert an existing garage to a family room and build a new garage. The existing garage does not meet existing codes and that poses a hardship for them.

**Comments and Questions:**

Mr. Beach asked Ms. McMahon if they are adding three feet toward the street. Ms. McMahon stated that they are adding eight feet to the existing building façade.

**Board Action:**

On **MOTION** of **PERKINS**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of required 10' side yard to 7'3" to allow an addition to an existing garage which

encroaches into the side yard. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS —Use Unit 6**, per plan, on the following described property:

Lot 7, Block 4, Thomas Heights, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18099**

**Action Requested:**

Variance to allow an accessory building in the front yard. **SECTION 210.B.5. YARDS; Permitted Obstructions in Required Yards**, located 2222 East 12<sup>th</sup> Place South.

**Presentation:**

The applicant, **Alfred A. Fetterhoff**, 2222 East 12<sup>th</sup> Place, submitted a site plan (Exhibit G-2) and stated that he had a garage built in his front yard and later found out that it had been illegally built.

**Comments and Questions:**

Mr. White asked the applicant when he built the garage. Mr. Fetterhoff answered over two years ago.

Ms. Perkins asked the applicant what he used the garage for and he answered for parking cars.

Ms. Parnell asked the applicant who drew the site plan that was submitted to the City for the building permit. Mr. Fetterhoff answered the contractor, Keystone Construction. Ms. Parnell asked Mr. Fetterhoff if he had any input on the plan at all and if he even looked at it. Mr. Fetterhoff answered negatively. He stated that the building was stepped off the way he wanted it and the contractor lied to the City. Ms. Parnell asked the applicant if he was aware that it was going to be built in the front yard and he answered yes. Mr. Fetterhoff did not know it would be illegal or he would not have done it.

Mr. White asked the applicant why the building was constructed at such an unusual angle. Mr. Fetterhoff answered that it was the only way it would fit.

Mr. Beach noted that if it were the principal building on the property it would meet all the required yards. This is an unusual lot and the house was built about 1927 at the rear of the property, three feet from the rear property line. In effect, he has no rear yard to put this building in.

Ms. Perkins asked Mr. Fetterhoff if he plans to add a concrete driveway from the existing drive up to the garage. Mr. Fetterhoff answered eventually he will.

**Interested Parties:**

**Mitchell Blessing**, 4523 South Joplin, stated that he owns three houses in the neighborhood. For the last ten years, he has gone in and completely remodeled them. Mr. Blessing believes that he may have been the one to start this action over a year ago by contacting Roy Ballentine at Code Enforcement. He was told that a permit was asked for and denied. Mr. Blessing feels that he is putting a large investment into the neighborhood and this building is hurting other property values in the area. Mr. Blessing stated that this is basically a four-car garage and the house that is presently on the property is no bigger than 800 SF and the garage is at least twice the size as the house. Mr. Blessing mentioned that the garage is angled on the lot. By allowing this, the Board is telling everyone that they really don't need a permit and the City just wants his money. Mr. Blessing stated that there are always cars being worked on in the garage, he does not know if the garage is used for commercial purposes or not. The garage has been up for two years.

**Don Parrish**, Box 17, Route 2, Cookson, Oklahoma, stated that he owns rental property in the area. Mr. Parrish stated that this is a huge garage and it will hold at least four cars. The garage was built two years ago and everyone in the neighborhood assumed it was a legal garage. The neighbors do not want a business to go in there. Mr. Parrish believes that this garage will hurt property values.

**Ed Lang**, 1803 East 16<sup>th</sup> Place, stated that he owns a house about six doors down from the property in question. He agrees with everything the opposition has said so far. Mr. Lang stated that the neighborhood is mainly "Craftsman" and "Tudor" style homes and a garage sitting in front of that type of structure is way out of character with those types of homes. Mr. Lang believes that property values will take a hit.

Mr. Cooper asked Mr. Lang if he has a compromise solution to this. Mr. Lang replied that he did not know that it had already been built. He received a notice and assumed it was going to be some sort of shed that was going to be located in the front of the property. Mr. Lang feels that Mr. Fetterhoff should not have to tear the structure down. There needs to be some restrictions on the uses such as no commercial activity.

Ms. Perkins asked Mr. Lang if the garage had a permanent drive to it, would that make it more acceptable. Mr. Lang answered that it does not look like it should be there. There has been a lot of renovation in the area and it does nobody any good to see something like this. Mr. Lang believes that a structure in the front is not good, but he doesn't want to see Mr. Fetterhoff tear it down.

Ms. Turnbo asked Mr. Beach if the garage was connected to the house, he would not be here. It would meet the requirements. Mr. Beach answered it would need a variance to allow expansion of a nonconforming structure because the existing house doesn't meet the rear yard requirements.

**Thomas Winslow**, 2226 East 12<sup>th</sup> Place, stated that he lives next door to Mr. Fetterhoff and the garage is directly next to his house. Mr. Winslow has no problem with the garage. Mr. Winslow has been inside the garage and says that there is not room for two cars. Mr. Fetterhoff uses the garage for his hobby.

**Judy Garles**, 2240 East 12<sup>th</sup> Place, stated that she does not believe everyone would be as upset about the building if it had been built to match the house, not protrude out at an angle. Ms. Garles does not like the fact that the building was allowed to be built without a building permit. Ms. Garles submitted a petition (Exhibit G-2) of residents in the neighborhood who object to this building. If this is allowed, will everything be allowed to be built without permits? No one is arguing the fact that it needs to be torn out. Ms. Garles stated that the building has never been finished as far as painting of the outside of the building. There is no driveway up to the building. Ms. Garles believes that the neighborhood would like to have some stipulations about what would be allowed in the garage such as no commercial business. Ms. Garles mentioned that two years ago she was working with the City in trying to get a garage built in her backyard. She was told that she could not put in a double car garage because she had to build one that was the same size as the one that was previously there. She now has no garage.

Ms. Turnbo stated that from the photos they have, the garage does sit back further on the lot than most of the houses that line the street.

Mr. Ballentine stated that the original plans that were submitted for this garage show that the garage was going to be placed behind the house. The plans were not followed. There were three inspections that failed and they kept building until they were finished with the garage. They did not follow the original plans. Mr. Ballentine stated that it seems inconceivable that an individual that is contracting this out and living there would let it continue without questioning anything. Mr. Ballentine submitted a packet with building permits (Exhibit G-3).

Mr. White asked Mr. Ballentine who would be notified of the failure to comply, the contractor or owner. Mr. Ballentine could not answer because he does not know who was notified. Mr. Ballentine stated that there was no way the building could have been built in the back of the house because the house sits three feet from the property line. It was pure deception, with regards to this property, from the beginning.

**Louise Parrish**, 2234 East 12<sup>th</sup> Place, stated that she owns two properties in the neighborhood. Ms. Parrish submitted a list of the neighborhood people who are opposed to the garage. Ms. Parrish believes that this garage will hurt the neighborhood because it is so large.

Mr. Cooper asked Ms. Parrish what is it she would like the Board to do about the garage to remedy the situation. Ms. Parrish answered whatever the Board deems necessary. She, personally, would like to see the garage disappear, but if it is

The hardship is that they are on a unique lot and there is no other place where they could put a garage and the existing garage is 70 years old. Mr. Poleman stated that this is part of a remodel and they would like to make the garage accessible from the house and they would like to fit the larger cars of today in the garage. Mr. Poleman pointed out that the site plan that Mr. Arnold provided shows that the garage is 14'6" but he only needs relief of 13'6".

**Comments and Questions:**

Mr. White stated that on the site plan it does not show the driveway being widened, is that planned. Mr. Poleman answered affirmatively.

Ms. Turnbo asked if the existing garage will be brought out two feet and the other one will line up with it on the front. Mr. Poleman answered affirmatively.

Mr. White mentioned that the Board has six letters of approval from various neighbors (Exhibit H-2).

Mr. Beach stated that by looking over the plan, the last item, the Variance from the required 20' side yard for a garage that abuts a public street, does not apply in this case. That is a situation that comes up when you are on a corner lot. This is not a corner lot and the last request does not apply. Mr. White asked if this could stem from the fact that the property on the southeast owns one drive. Mr. Beach answered negatively. He stated that it abuts another street and has a 25' setback. Mr. White asked if they should strike the last variance request. Mr. Beach answered affirmatively.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Variance of required 25' front yard to 13'6" to allow an addition to the garage. **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts – Use Unit 6; a Variance to enlarge a nonconforming garage. SECTION 1405. STRUCTURAL NONCONFORMITIES and to STRIKE** Variance from the required 20' side yard for a garage that abuts a public street to 13'6". **SECTION 403.A.5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts**, finding that this is an irregular tract of land,, the house was built before 1930; per plan submitted on the following described property:

Part of Lots 3 and 4, Block 1, of Swan Park Addition to the City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at a point on the west line of said Lot 3, 50' south of the NW/c of said lot, thence south along the west line of said Lot 3, a distance of 62.4' to a point, thence south 88°50' E a distance of 38.7' to a point; thence south and parallel with the Wly line of said Lot 3, a distance of 5.5' to a point; thence south 67°8' E a

distance of 51.25' to a point on the SEly line of said Lot 3; thence NEly on the SEly line around a curve whose radius is 140', a distance of 50' to a point; thence N 21°45' W a distance of 54.9' to a point, thence W and parallel with a Nly line of said Lot 4 a distance of 101' to the point of beginning.

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## **Case No. 18101**

### **Action Requested:**

Special Exception for a mini-storage in a CS district and/or Special Exception for a mini-storage and a car wash in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16** and a Variance of required setback from the centerline of E. 40<sup>th</sup> St. S. from 50' to 26'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**, located Southwest corner East 40<sup>th</sup> Street South & 129<sup>th</sup> East Avenue.

### **Presentation:**

The applicant, **Larry R. Pennington**, was represented by **Jim Swears**, 13539 East 38<sup>th</sup> Place, submitted a site plan (Exhibit I-1) and stated that he is the owner of the property. Mr. Swears stated that he has a mini-storage directly to the east of this particular piece of property, which is two years old. Their buildings are built right on the property line and at that time the Planning Commission gave him the option to have a screening fence on the property line or to simply put the buildings on the property line, and that is what they did on that piece of property. Mr. Swears is asking for the same thing here. The building will run along 40<sup>th</sup> Street running east and west. The rest of the land would be used for open parking for cars and boats. They would have two approved accesses off of 129<sup>th</sup> East Avenue. The other approval that they are asking for is for a car wash. Another party approved this property for a car wash about three years ago. That approval ran out a few months ago. Their number one priority would be to do the car wash and that plot plan shows a mini-storage building 30'x150' located to the west of the car wash.

### **Comments and Questions:**

Ms. Perkins asked the applicant if there is going to be any screening on the north lot line. Mr. Swears answered that if he is approved for the car wash and the mini-storage to the west, there would be no screening on 40<sup>th</sup> Street. The reason they asked for screening was in case people could look into the storage area.

Mr. Beach stated that he is required to have screening on the north side. In the case where the mini-storage runs along 40<sup>th</sup> Street, the building itself provides the screening. Ms. Perkins asked if Mr. Swears puts the mini-storage on the west, doesn't he have to provide screening. Mr. Beach answered yes. Ms. Perkins asked Mr. Swears what type of screening he will put there. Mr. Swears answered that if it is a car wash, they were not planning on any screening there. Mr. Stump stated that the Zoning Code requires that they put screening there because it abuts residential. Mr.

Swears stated that he would put up a white wrought iron fence. Mr. Beach mentioned to Mr. Swears that the Zoning Code is clear and it says that he must put up a six-foot high, solid fence. Typically they see solid wood fences at a minimum height. No fences with slats woven in are permitted. Mr. Swears agreed to that.

Mr. White asked the applicant if the car wash option is the preference. Mr. Swears answered affirmatively. He stated that he would like the car wash with the mini-storage to the west.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a Special Exception for a mini-storage and a car wash in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16** and a Variance of required setback from the centerline of East 40<sup>th</sup> Street South from 50' to 26'. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**, subject to a screening fence being placed along the north side; per plan submitted, on the following described property:

Lots 3 and 4, Block 1, Park Plaza Square, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18102**

**Action Requested:**

Special Exception to permit sleeping rooms in a private residence to be occupied by more than two persons who are not members of the family. **SECTION 402.B.3. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6**, located 1135 East 55<sup>th</sup> Street.

**Presentation:**

The applicant, **William Bryant**, 1135 East 55<sup>th</sup> Street, submitted a site plan (Exhibit J-1), and zoning violation notices (Exhibit J-5) and stated that he has lived in the house for the last six years. Mr. Bryant stated that he has been renting rooms and sharing his house since he bought the property. He was overwhelmed by the response of people wanting to rent rooms and there was a tendency to expand from two to five rental rooms. Mr. Bryant is asking that the two-person rule be extended to four. He has no desire or need to go beyond that. About three years ago, one of Mr. Bryant's neighbors filed a complaint and the Code Enforcement Inspector came out and advised him that he was in full compliance and that he was allowed up to six persons in his home. Mr. Bryant has been operating with the six-person limit thinking that he was in full compliance with the Code. A couple of months ago, the same inspector returned and indicated that there was another complaint from the same individual citing a code violation. At first the violation was for off-street parking then it changed to

the two-person rule and that is what he is here for today. Mr. Bryant rents rooms because he needs to supplement his social security income and he also does it because he enjoys it and it makes him feel like he is making a contribution. Mr. Bryant submitted a petition to the Board with signatures of people in the neighborhood who supported the application. Mr. Bryant read a letter submitted by a person who supports the application (Exhibit J-2).

#### **Comments and Questions:**

Mr. Cooper asked Mr. Bryant how many people total live in the house. Mr. Bryant answered six total. Mr. Cooper asked Mr. Bryant how many of those people are parking on the street. Mr. Bryant stated that there are two other cars besides his. There are no cars parked on the street, there is no need for them to be parked there. From time to time there have been cars on the street but it is mostly his son who visits for a week at a time. Mr. Bryant stated that to his knowledge there has never been a problem with his son parking on the street. Mr. Bryant mentioned that he has a double driveway on both sides of his house.

Mr. White asked Mr. Bryant if there is any kind of social service being provided to any of the boarders. Mr. Bryant answered negatively.

Mr. Bryant mentioned that his neighborhood is in transition and many of the fears come from some other troubles in the neighborhood. Mr. Bryant is trying his very best to continue to try to upkeep the neighborhood.

Ms. Turnbo asked the applicant how many square feet the house has. Mr. Bryant answered 2,300 SF. There are five bedrooms, three common areas and three bathrooms.

#### **Interested Parties**

**Harry Wheeler** stated that he has lived in this neighborhood for 44 years. He indicated that he lives three doors down from Mr. Bryant. Mr. Wheeler stated that the neighborhood is not in transition, it is a stable single-family neighborhood and has been for many years and a neighborhood association has been started. Mr. Wheeler stated that he objects to a rooming house. Mr. Wheeler mentioned that he does not know the people who are living there and they seem to come and go rather rapidly, almost like a motel. Mr. Wheeler got the idea that it was a post alcoholic rehabilitation situation. Mr. Wheeler stated that at times there are quite a few cars parked at the house but the house and lawn are well kept.

**Charles Kanan**, 5345 South Newport, stated that he has only lived there a couple of months. Mr. Kanan is concerned about having a multi-family unit in the neighborhood and it will down grade the rest of the properties in the area. Mr. Kanan believes that this is a violation of the Code and would like to see this remain residential and not become commercial.



Ms. Turnbo mentioned to Mr. Kanan that under the law Mr. Bryant can have two boarders. Mr. Kanan stated that he has no problem with the law but does not believe that it should be extended.

**Rick Castro**, 5336 South Newport, stated that he is against Mr. Bryant's request. The reason is because of the lowering of property values, the excess traffic, and the transient people. Mr. Castro stated that he has not had any problems with any of Mr. Bryant's boarders, but he does not feel that this is the neighborhood for it.

**Dean Scott**, 5501 South Newport, stated that he lives across the street from Mr. Bryant's residence. Mr. Scott stated that he worked for the City for a number of years and is familiar with the City Codes. Mr. Scott understands that Mr. Bryant can have two people unrelated to him living in the residence. Mr. Scott stated that at times there have been as many as ten people living in the residence. Mr. Scott mentioned to the Board that recently Mr. Bryant housed a "druggie". Mr. Scott has been broken into three times, but he can't prove that they were from across the street. The police have been called to this residence a number of times and four times this year. Mr. Scott stated that there was a fire in the garage of the residence and when the garage was rebuilt there was a door and windows put in and the garage is now being used as a boarding room. Mr. Scott believes that at times there have been drug addicts and alcoholics living in the residence. Mr. Scott does not think that Mr. Bryant does a background check on his boarders.

Mr. White asked Mr. Scott about the nature of the four police calls to the property that happened this year. Mr. Scott stated that normally they are to settle disputes between Mr. Bryant and his tenants. Mr. Scott submitted a petition of people in opposition to the rooming house (Exhibit J-3) and photos (J-4).

**Applicant's Rebuttal:**

Mr. Bryant stated that this is a personal issue or a vendetta. Mr. White and Mr. Dunham told Mr. Bryant that this is a land use issue and not a personal issue.

**Comments and Questions:**

Mr. Dunham stated that he has driven the neighborhood and it is a nice stable neighborhood. Mr. Dunham believes that whatever is provided by law is what should be provided there. Ms. Perkins agreed. Mr. Dunham stated that he would not approve a duplex or other multi-family for the neighborhood and he does not believe that this fits in an RS-3 district.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **DENY** Special Exception to permit sleeping rooms in a private residence to be occupied by more than two persons who are not members of the family. **SECTION 402.B.3. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6** on the following described properties:

Lots 12 & 13, Block 3, Houstonia Home Sites, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

**Case No. 18103**

**Action Requested:**

Variance of the maximum coverage of a required rear yard by a detached accessory building from 20% to 35%, located 310 South 47<sup>th</sup> West Avenue.

**Presentation:**

The applicant, **Russell Core**, 310 South 47<sup>th</sup> West Avenue, submitted a site plan (Exhibit K-1) and stated that he moved into the house about three months ago and is in the process of making a few changes to the home. Mr. Core stated that he is requesting to build a two-car garage that will be placed in the rear portion of the yard. The lot is wedge shaped which creates a very small yard area toward the back. The backyard of the property is completely fenced with a privacy fence and this is for private use only, no commercial use.

**Mr. Cooper out at 3:17 p.m.**

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of the maximum coverage of a required rear yard by a detached accessory building from 20% to 35%, per plan submitted, finding the hardship to be the configuration of the lot on the following described property:

Lot 1, Block 7, Hayden-Lewis Addition, City of Tulsa, Tulsa County, State of Oklahoma.

**Mr. Cooper in at 3:22 p.m.**

\* \* \* \* \*

**Case No. 18104**

**Action Requested:**

Special Exception to allow a machine shop (U.U. 25) in a CH district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 25;** Approval of amended site plan (#16936); Special Exception to waive the screening requirements on Lots 10 through 14, Block 1. **SECTION 1225.C. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY; Use Conditions**, and a Variance to allow required parking for machine shop on Lot 14. **SECTION 1301.D. OFF-STREET PARKING GENERAL CONDITIONS**, located 4704 West Charles Page Boulevard.

**Presentation:**

The applicant, **Mike Kline**, 4704 West Charles Page Boulevard, submitted a site plan (Exhibit L-1) and stated that he believes that he is in a CH District and he wants to operate a machine shop, which they have been doing for nine years. Mr. Kline stated that they received an exemption when they expanded the business three years ago and they are going to try to expand again. Since they are moving over property lines he has to get another exemption. Mr. Kline stated that the screening requirement, on the south property line, would hurt his south wind ventilation in the summertime.

**Comments and Questions:**

Mr. White asked Mr. Beach what the difference is from the previous application three years ago. Mr. Beach answered that it includes additional property over what the previous application approved. Mr. Beach stated that you can look at it as consolidation of several tracts into one tract. Mr. Kline is trying to provide his parking on Lot 14 which is a separate lot from the remainder of the property, so he needs a variance to allow parking on a lot other than the lot containing the principal use. Mr. Beach stated that the previous approval only applied to Lot 11, which is the westernmost lot. The new construction is the crosshatched area on the site plan that is east of the existing building and extends onto Lot 12, 13 and 14 and the parking is on 14.

Mr. Beach stated that the current application is for Lots 10 through 14. The previous application was approval of this use on Lot 11 only and a variance of the screening requirement for Lot 11 only and a variance of the number of required parking spaces for Lot 11 only. Now he is expanding the use onto Lots 10 through 14 and he wants to provide parking on Lot 14.

Ms. Turnbo asked if Mr. Kline was approved for chain link with slats on Lot 11. Mr. Beach answered yes. Mr. White stated that there is a dedicated alley in the back of this.

Mr. Beach stated that he thinks the residential lots deserve some buffering. Ms. Turnbo stated that she has a problem with waiving the screening requirement. Mr. Beach mentioned to the Board that this is a more intense use than you would normally find in a CH District.

Mr. White asked Mr. Kline how close the building is to the back property line. Mr. Kline answered 22 feet and then they have a full access alley running east and west behind the building. Mr. White asked Mr. Kline how tall the building is. Mr. Kline responded 12 feet.

Mr. Kline stated that the City has vacated the alley behind Lot 12. Mr. Kline pointed out to the Board that in the residential area behind the building there is only one house that is occupied. The house that is occupied is behind Lot 12. Mr. Kline stated that the other houses that abut the properties are vacant and have been for a number of years.

Mr. Kline mentioned to the Board that he had been informed that he would need a tie agreement and he has that with him today.

Ms. Perkins mentioned that the screening that was approved for Lot 11 should apply for the other lots.

Mr. White asked Staff if an eight-foot privacy fence was required. Mr. Beach answered no, a six-foot privacy fence. Mr. White stated that with a twelve-foot building setback a 22' building isn't going to be hidden by a six-foot fence.

Ms. Turnbo asked what is done in the back of the building. Mr. Kline answered that nothing is done there. It is concrete slab that extends to an eight-foot chain link fence. Mr. White asked if it was a driveway or used for deliveries. Mr. Kline answered negatively. He stated that he paved the driveway to prevent him from having to mow it. Mr. White asked the applicant if there are any doors on that side of the building. Mr. Kline stated that there are doors on the side of the building. He indicated that the overhead doors are used for ventilation but not for deliveries.

Ms. Turnbo asked Mr. Stump if he believed the neighborhood is coming back or being revived. Mr. Stump has a concern about an open building with the garage doors open and some visual screening would be a benefit.

Ms. Perkins asked Mr. Kline how tall his current chain link fence is. Mr. Kline answered that it is eight feet tall with no slats. He stated that he intends to put a chain link fence all the way around the property.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, "aye"; no "nays", Cooper "abstentions"; no "absent") **APPROVE** Special Exception to allow a machine shop (U.U. 25) in a CH district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 25**; Approval of amended site plan (#16936); and a Variance to allow required parking for machine shop on Lot 14, subject to a tie agreement, **SECTION 1301.D. OFF-STREET PARKING GENERAL CONDITIONS** and **DENY** a Special Exception to waive the screening requirements on Lots 10 through 14, Block 1, **SECTION 1225.C. USE UNIT 25. LIGHT MANUFACTURING AND INDUSTRY**; **Use Conditions**, the Board will allow an eight-foot chain link fence with slats along the south property lines of Lots 10 through 14, on the following described properties:

Lots 10 through 14, Block 1, Rayburn's Sub and vacated alley between Lots 12 & 13, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18105**

**Action Requested:**

Special Exception for auto sales in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17**, located 9404 East 31<sup>st</sup> Street.

**Comments and Questions:**

Mr. Beach mentioned to the Board that Mr. Roy, who is the representative for the Fulton Neighborhood, made the request for continuance (Exhibit M-1).

Mr. White asked if the applicant or a representative for the applicant was present, there was none.

**Interested Parties:**

**John Roy**, 9018 East 38<sup>th</sup> Street, stated that he is a representative of the Fulton Neighborhood Association. The reason for the continuance is because they did not receive proper notice of this being on the agenda until Saturday. The notice went to the incorrect neighborhood association. Therefore, they are asking for it to be continued until they can have adequate time to review the plans.

**Comments and Questions:**

Mr. White asked Mr. Beach if he has talked to the applicant. Mr. Beach replied no. Mr. Beach stated that out of fairness to the applicant, they should give him a chance to show up later in the meeting.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo White "aye"; no "nays", no "abstentions"; no "absent") to **CONTINUE**, Case No. 18105 to July 28, 1998.

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**Case No. 18106**

**Action Requested:**

Special Exception for a single-family dwelling in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6**, Variance of more than one single family dwelling on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**, located 1550 South Harvard.

**Presentation:**

The applicant, **Tom Bruening**, stated that he lives and works at 1550 South Harvard. Mr. Bruening submitted a site plan (N-1) and building plan (Exhibit N-2). Mr. Bruening mentioned that there are two buildings on that corner. The building on the front is a commercial insurance office and he resides in the building in the back of the property. Mr. Bruening stated that he wants to add a bathroom to the house. Mr. Bruening submitted photos (Exhibit N-3).

**Comments and Questions:**

Mr. Dunham asked if there is only one dwelling unit on the property. Mr. Bruening answered affirmatively.

Mr. Dunham asked if the only thing different they are asking for is to add a bathroom. Mr. Bruening said affirmatively.

Mr. Beach mentioned to the Board that this application was brought in response to a zoning plan review by Kurt Ackerman, who said that Mr. Bruening needed this relief for more than one single-family dwelling per lot and to allow a single-family dwelling in this zoning district.

Mr. Dunham stated that from what he understands there is only going to be one single-family dwelling on the property. Mr. Bruening said he does not understand all the points of the application, but there is only one residence and one commercial building. They are not going to build another building on the property, they are just wanting to expand the residence that is already there.

Mr. Jackere asked if the commercial building is a residential type structure. Mr. Bruening stated that it is concrete block structure.

Mr. Bruening stated that they have owned the building for about six years. Mr. Dunham stated that those buildings have been there for over twenty years.

Mr. White pointed out that the proposed additions are larger than just a bathroom. Mr. White stated that the room is 39' x 39'. Mr. Bruening stated that it ended up being a 1,200 SF addition.

Mr. Stump asked the applicant how close he is to the rear property line. Mr. Bruening stated that they are about 10' off the back line. Mr. Bruening indicated that there is an easement that goes through the subject area and they have stayed away from the easement. Mr. Stump stated that if the building is over 15' in height it will need two feet of additional setback for every foot over 15' from the west property line. Mr. Bruening said that he understands the setback requirement.

Mr. Dunham mentioned that the plot plan has no dimensions on it and it is hard to tell if he will need the setback relief.

Mr. White asked if the application is correctly before the Board since they would be changing the nonconforming status. Mr. Stump stated that if the Board granted the Special Exception for the single-family residential use, it would no longer be nonconforming.

Mr. Dunham stated that he believes that they can approve the application subject to the applicant meeting all the setback requirements. Mr. Dunham also mentioned that the setback requirements may affect the dimensions of his expansion.

Mr. White mentioned that they are only looking at the Special Exception and not the Variance. Mr. Dunham said that the applicant does not need a Variance because there is only one single-family dwelling on the property.

**Interested Parties:**

None.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, Turnbo White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE**, Special Exception for a single family dwelling in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 6**, subject to the applicant meeting the setback requirements, on the following described property:

Lot 12, Block 1, Exposition Heights, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

**Case No. 18107**

**Action Requested:**

Variance to allow required parking on lot other than lot containing principal use or in the alternative a Variance of required number of parking spaces from 33 to 9. **SECTION 1301.D. GENERAL REQUIREMENTS**, located Southwest corner East 35<sup>th</sup> Place South & South Peoria.

**Presentation:**

The applicant, **David Cameron**, stated that he is the attorney for the applicant. Mr. Cameron submitted a site plan (Exhibit O-1). Mr. Cameron mentioned that there are two parties to this application. One is the record owner of the southwest corner of 35<sup>th</sup> & Peoria and the other is a prospective tenant for that facility. The existing structure on that property was formerly a Phillips 66 gas station. The proposal before the Board is to renovate the existing structure into a restaurant. Mr. Cameron stated that the size of the lot does not provide adequate parking to meet Code. In looking around the area to find land that they could generate off-site parking, the parcel they found is west on

35<sup>th</sup> behind the existing facility. Mr. Cameron mentioned that the problem for them is that there is an intervening 50' strip of land on which a PSO substation is located and that prevents them from tying the two parcels of land together. The Variance they are asking for is basically for the parking lot to serve the facility to be 50' away from the actual facility. Mr. Cameron stated that if this application is approved, the parking lot will be the same depth as Peoria and the parking lot of the Wendy's restaurant, which is directly north of and across 35<sup>th</sup> Street.

#### **Comments and Questions:**

Ms. Perkins asked Mr. Cameron if part of the proposed parking is behind the existing building. Mr. Cameron answered affirmatively. Ms. Perkins said that there is no way a car can be parked on the lot because there is no turn around room. Mr. Cameron said that the design will have to change because there will be landscaping and screening requirements. Mr. Cameron stated that they are confident that they can get 28 to 30 spaces. Ms. Perkins said that after looking at the property she really does not believe that they will be able to meet the parking. Mr. Cameron stated that the Variance that they are asking for affects the lot to the west.

Ms. Perkins asked Staff how many parking spaces do they have to provide. Mr. Stump stated that if the building is 2,700 SF, they have to provide 27 parking spaces.

Mr. Stump asked the applicant if the off-site parking lot is already in existence. Mr. Cameron answered negatively. He commented that there is a single-family residence in question. He indicated that the lot is currently zoned OL and they would be constructing the parking lot and will go through the proper permit procedures. Mr. Stump mentioned that the north 25' of the lot would not be allowed to have any parking on it. Mr. Stump stated that the west five feet and the south five feet could not have parking either.

Ms. Turnbo asked the applicant if he is willing to have a tie contract putting the parking lot with the business. Mr. Cameron answered affirmatively.

Mr. Dunham asked the applicant if he is planning on screening the lot. Mr. Cameron answered affirmatively.

#### **Interested Parties:**

Mr. White mentioned that there was an interested party present earlier but had to leave and he left a note (Exhibit O-2) stating that he was in agreement with the Variance as requested and not the alternative.

Mr. White stated that the Board was also in receipt of a letter from the Brookside Neighborhood Association (Exhibit O-2) stating their concern about the privacy fencing on the south and west sides and landscaping on the north side and the lighting be appropriate. Another concern was drainage.



Mr. White stated that there was another letter from the Zoning District Chairman (Exhibit O-2) stating his concerns to be similar to those as the letter from the Brookside Neighborhood Association. He would be in support of the application if those issues are addressed.

**Comments and Questions:**

Ms. Perkins asked the applicant what the hours of operation will be. Mr. Cameron replied that they will be normal Brookside restaurant hours.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; "absent") to **APPROVE** Variance to allow required parking on lot other than lot containing principal use **SECTION 1301.D. GENERAL REQUIREMENTS** subject to the applicant meeting all the requirements regarding screening and lighting and having a tie agreement tying the lot to the principal use on the following described property:

**Principal Lot** – The E 110' of Lot 5 less the N 30' of the W 20' of the E 110' of Lot 5 and less the E 10' of Lot 5, Block 3, Peoria Gardens Addition Amended, City of Tulsa, Tulsa County, State of Oklahoma and the N 66' of Lot 6 except the N 40.87' of the W 65' Block 3, Peoria Gardens Addition Amended, City of Tulsa, Tulsa County, State of Oklahoma, and the N 30' of the S 34' of Lot 6, Block 3, Peoria Gardens Addition Amended, City of Tulsa, Tulsa County, State of Oklahoma. **Proposed Parking** – The E 60' of Lot 4, the W 7' of Lot 5, and the N 40.87' of the W 7' of Lot 6, all in Block 3, Peoria Gardens, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18108**

**Action Requested:**

Variance of the setback from an abutting R District, the Broken Arrow Expressway right-of-way, to permit a building within a CS-Commercial Shopping District to be constructed within 6' of a south right-of-way line of the Broken Arrow Expressway. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 14**, located North side of East 14<sup>th</sup> Place between Lewis Avenue & Broken Arrow Expressway.

**Presentation:**

The applicant, **Charles E. Norman**, submitted a site plan (Exhibit P-1) and stated that he represents Albertson's in this application which has managed to place under contract approximately 30 parcels of land at the northeast corner of East 15<sup>th</sup> Street and South Lewis for the construction of a new Albertson's store. This application pertains to the relationship of the store building to the north boundary of the property,

which abuts the Broken Arrow Expressway. All of the property that was not zoned for commercial purposes was recently rezoned by the City Council to the CS zoning district. The expressway is zoned in the RS-3 single-family zoning district. The property immediately north of this property and north of the Albertson's store is in the Industrial District. Were it not for the expressway right-of-way there would be no setback requirement for the north wall of the Albertson's store. The expressway right-of-way in this location is extremely wide and there is a large tract of land to the north of the north boundary of the store building that is not used for expressway purposes so there is even greater separation between the Industrial area to the north. The hardship in this instance is based on the shallowness of the property to 15<sup>th</sup> Street and the unusual configuration and shape of the property.

**Comments and Questions:**

Mr. Dunham mentioned that he did not think that the Board was still hearing cases on right-of-way zoned residential. Mr. Stump stated that Staff amended the Code to eliminate the screening requirement from expressways zoned residential, but they have not amended the Code to eliminate the setback.

**Interested Parties:** None.

**Board Action:**

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** a Variance of the setback from an abutting R District, the Broken Arrow Expressway right-of-way, to permit a building within a CS-Commercial Shopping District to be constructed within 6' of a south right-of-way line of the Broken Arrow Expressway. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 14**, per plan submitted, on the following described property:

Lots 7, 8, 9, 10, 11, 19, 20 and 21, Block 4, City View Hill Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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**Case No. 18109**

**Action Requested:**

Special Exception to permit Use Unit 17, Trailer, Mobile Home and Camper sales only, in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17**, Special Exception to remove the screening requirement under Section 1217.C.1, for a screening fence along an abutting R district boundary as an existing masonry wall 5' to 6' in height along the south boundary of the property adjacent to single family residences provides a visual separation of the uses, pursuant to a site plan approved by the Board. **SECTION 1217.C. USE Unit 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions**, located southwest corner East Admiral Place & West side of South 119<sup>th</sup> East Avenue to South 118<sup>th</sup> East Avenue.

### **Presentation:**

The applicant, **Charles E. Norman**, submitted a site plan (Exhibit Q-1) and photos (Exhibit Q-2) and stated that he represents the property owner and the proposed lessee of the property, which lies on the south side of East Admiral Place between South 117<sup>th</sup> Street and 119<sup>th</sup> Street. The property is zoned in the CS zoning district. The south side of Admiral Place from Garnett Road to 129<sup>th</sup> Street is all zoned in the Commercial Zoning District or the Industrial Light District. There are presently located in this area 10 mobile home or manufactured home sales facilities. This application is for mobile home sales only. The property that is under application is an L-shaped tract that has 150 feet of frontage on Admiral Place and 150 feet of depth and a large east-west tract that is entirely within the CS Zoning District that is 200 feet north and south and 550 feet east and west. To the south is a very well maintained and stable single-family neighborhood, which has homes that back on the south side of the property. About 35 years ago a five- to six-foot high concrete wall was built along the south side of the property. Mr. Norman stated that the property has not been surveyed but they believe the wall to be six inches or more to the south of the mutual property line. The site plan submitted indicates the position of a number of trees along the south boundary and the location along the east boundary of the property along 119<sup>th</sup> Street. Directly across the street to the east of the property is an existing mobile home storage/sales area that also backs to the same subdivision. The mobile home sales facilities that are along Admiral vary in quality and condition of maintenance and some are not attractive. Mr. Norman stated that mobile home sales are not an activity that generates a significant amount of traffic. The operator of the proposed facility anticipates that he would have 15 to 20 customers a day coming to this location. He also anticipates selling four to six mobile homes per month from this facility. The movement in and out of mobile homes does not generate any traffic compared to what could be there as a matter of right in a CS district that presently applies to the property. By the same token, the people who come to look at the mobile homes, are far less in number than those that would visit the existing bar that is on the Admiral frontage to the west of the property. Mr. Norman stated that they have submitted to the Board a site plan and a copy was delivered to the representative of the neighborhood association. The site plan incorporates the existing concrete wall as the screening wall on the south boundary and leaving the trees that are presently located along the south wall. Mr. Norman mentioned that having two walls side by side with a space between causes many problems. They also ask that an entrance gate be permitted on the west side of the south part of the property on 117<sup>th</sup> Street to be used only for the move in and move out of mobile homes. The reason for locating that gate on the west side rather than on the east is so they can maintain the existing trees along the 119<sup>th</sup> Street frontage. Mr. Norman also proposes to place a steel pipe to be constructed along the south boundary at a height sufficient to prevent any backing into the wall. This facility operates from 8 a.m. to 8 p.m. and is not open on Sunday and they would have no objection to the restriction on the operating hours. The site plan proposes two outside light fixtures that are located on the north boundary and are to be directed downward and away from the property to the south. In order to avoid the cluttered look of some of the other mobile home sales lots in the area, they propose as

a restriction that there be no more than one mobile home located along the south boundary for each 25 feet. These mobile homes normally have a maximum width of 12 feet and would limit the maximum number of mobile homes on the south side to be displayed. Mr. Norman believes that would be half of the density of the mobile homes located across the street on 119<sup>th</sup> Street. There will be an office on the front part of the property within the 150 feet. That would be a manufactured home and they will have it permanently mounted and skirted. Mr. Norman's clients also propose that any mobile homes that were displayed on the front part of the property, on the Admiral side, be skirted. They have no objection to the requirement of a screening fence along the boundaries of 119<sup>th</sup> Street and 117<sup>th</sup> Street that would match up with the chain link slatted screening fence on the east side of 119<sup>th</sup> Street. Mr. Norman believes that these kinds of restrictions on the operation would create a significantly different kind of mobile home sales facility than what is typically found along this part of Admiral. Mr. Norman stated that any of the areas used for the storage of the mobile homes would have to be surfaced and any of the driveway areas would have to be hard surfaced.

**Interested Parties:**

**Nancy Craten**, 245 South 120<sup>th</sup> East Avenue, stated that she is opposed to the application and is here to represent the 565 homes in the addition. Ms. Craten submitted a petition (Exhibit Q-4) with 93 signatures on it. Ms. Craten stated that the neighborhood had a meeting last week to discuss this property. Ms. Craten mentioned that she is President of the homeowners' association and she read a report prepared by the Zoning District Chairman, Harold Pittinger. Mr. Pittinger's report pointed out concerns of the neighborhood such as drainage, vandalism, traffic and residential street access and property values. Another concern is the elementary school across the street from the property in question. Mr. Pittinger's report suggested that no signage on residential streets be allowed. Mr. Pittinger asked the Board to reject the application.

Mr. Cooper asked Ms. Craten if the hours of operation were a concern of the neighborhood. Ms. Craten stated that the neighborhood did not discuss hours of operation. Ms. Craten mentioned that there was a trailer sales facility located on the property several years ago and they were operating well into the night and that was the concern of the neighborhood.

**E.T. Watkins**, 11336 East 3<sup>rd</sup> Street, stated that the neighborhood is a fragile one. Mr. Watkins stated that crime is high in the neighborhood. There are many original property owners in the neighborhood and many are elderly. Mr. Watkins stated that young couples who want to live close to the three schools are buying the homes that are currently selling in the neighborhood. Mr. Watkins believes that any further commercial activity will infringe on that. Mr. Watkins pointed out to the Board that on the day that the Oak Creek Homes (located across the street) opened, there were seventy-three walk-in customers.

**Timothy Lang**, 11721 East 1<sup>st</sup> Street, stated that he is married and has three children. Mr. Lang mentioned that his backyard abuts this property. Mr. Lang stated that the concrete wall is no more than 5 feet tall because he can look over it. Children who go to school at Kerr Elementary cut through the property in question every day. Mr. Lang believes the mobile home sales facility will lower the value of his home. Mr. Lang does not want a view of the mobile homes abutting the concrete wall. The mobile home sales facility across the street generates a lot of dust and every time a trailer is moved in or out dust clouds arise. Mr. Lang does not want his backyard to become full of dust.

**Steve Copeland**, 11725 East 2<sup>nd</sup> Street, stated that he has lived in the neighborhood for many years. Mr. Copeland does not like the fact that the mobile home sales facility across the street has put up floodlights and they shine right into the neighborhood. He does not want this facility to have the same type of bright floodlights. Mr. Copeland does not want the surface of this facility to be gravel because it will blow right into his house and onto his cars. Mr. Copeland questioned Mr. Norman's use of the term "storage and display". He wants to know if repossessed mobile homes will be stored there. Mr. Copeland suggested that Mr. Norman's clients repair the existing concrete wall and extend it 8 feet in height. He feels that this facility is dangerous because there is a school and a park nearby.

**Don Copeland** stated that he has lived in this addition since 1964. Mr. Copeland said that this is a good, clean neighborhood. The people in the addition consist of elders and young couples. Mr. Copeland stated that he is opposed to the application for the trailer sales.

**Interested Parties in Opposition of the Application:**

**Laddie Ondracek**, 11327 East 3<sup>rd</sup> Street; **Dora Watkins**, 11336 East 3<sup>rd</sup> Street; **Marcel Marlo**, 2317 South 117<sup>th</sup> East Place; **E.C. McClaen**, South 117<sup>th</sup> East Place; **Mr. & Mrs. Arthur Earnhardt**, 109 South 117<sup>th</sup> East Place; **Patricia A. Miles**, 237 South 117<sup>th</sup> East Place; **Geri McClain**, 228 South 117<sup>th</sup> East Place; **Margueruttea Knight**, 153 South 117<sup>th</sup> East Place; **Mr. & Mrs. William Dalton**, 115 & 117 117<sup>th</sup> East Place; **Deanna Taylor Burns & Dee Burns**, 11937 East 16<sup>th</sup> Place; **Evelyn Elliott**, 11705 East 1<sup>st</sup> Street; **Mary Lang**, 11711 East 1<sup>st</sup> Street; **Roger Lang**, 2601 East Princeton Street; **C.H. Deaton**, 11715 East 2<sup>nd</sup> Street; **Dean & Becky James**, 103 South 117<sup>th</sup> East Place; **Lee James**, 924 South Winston; **Virginia Cameron**, 240 South 118<sup>th</sup> East Avenue; **Ronald & Sue Barnes**, 11712 East 1<sup>st</sup> Street; **Barbara Fiezel**, 10 South 120<sup>th</sup> East Place; **Barbara Norris**, 16 South 120<sup>th</sup> East Place; **Nancy Crayton**, 245 South 120<sup>th</sup> East Avenue.

**Interested Parties In Support of the Application:**

**Kara Copes**, 407 South Elm Court, Broken Arrow; **Jonnie Ingram**, Broken Arrow.

**Applicant's Rebuttal:**

Mr. Norman stated that the mobile home sales that are going in on the north side of Admiral are within the Industrial Light District and are not subject to the review by the Board of Adjustment. Mr. Norman stated that he has no objection to deleting from the application the camper bodies that are put in pick-up trucks if that will make the person who objected to that happy. It is intended that these mobile homes be permanent structures. Mr. Norman asked the Board to focus on the existing relationship between the mobile home sales facility on the east side of 119<sup>th</sup> and the homes that back up to it. Mr. Norman mentioned that the area is extremely well maintained. Mr. Norman said that the homes behind this facility have not been affected by the mobile home sales facility being located next to them. Mr. Norman pointed out to the Board that none of the mobile homes sales facilities in the area have the same kind of separation restriction along the south boundary that he is proposing. Mr. Norman does not think that an 8 foot screening fences are appropriate. Mr. Norman proposes that any mobile home displayed on the frontage be skirted so that on the Admiral side it has a nice appearance. The lights are going to be shielded and directed down and away from the residential area. Mr. Norman is not sure what will be used as a paving surface. They intend to be bound by the Zoning Code, which requires dust free surfaces in the area where the mobile homes are to be displayed for sale. The hours of operation suggested allow people to visit this facility after they get off work. Most of the people who buy this type of home work rigid hours. Mr. Norman pointed out that the entrance on 117<sup>th</sup> Street would not be opened for public access except to move in and move out the larger mobile homes. They could have put the entrance on 119<sup>th</sup> Street but that would have required the removal of several trees. Mr. Norman suggests that if the company sells 4 or 5 mobile homes a month it will not be a major traffic hazard to any of the people who utilize 117<sup>th</sup> Street, including the school buses. The traffic for customers would be entirely on Admiral Place. Mr. Norman mentioned that they have no objection to prohibiting signage on 117<sup>th</sup> Street and 119<sup>th</sup> Street.

**Comments and Questions:**

Mr. Cooper asked Mr. Norman if he had an objection to landscaping. Mr. Norman answered that the landscaping that is there is sufficient. He understands that he will have to landscape the frontage on Admiral but they do not have plans for internal landscaping.

Mr. Cooper asked if the mobile homes are going to be new and not used. Mr. Norman stated that the operator of the facility has said that they sell new homes but they sometimes take trade-ins.

Mr. Cooper asked how Mr. Norman plans on meeting the 6-foot screening requirement. Mr. Norman stated that if the neighbors prefer a second fence along the south side then they would do that. Mr. Cooper asked if the brick wall is on the subject property. Mr. Norman stated that the developer constructed it.

Mr. Cooper asked about the all weather surface. Mr. Norman stated that they are required to have the all weather surface for the display and storage. He indicated that they are required to have a hard surface for the driveway aisles and parking areas for customers. He stated that In the Zoning Code there is a statement that says that gravel by itself without a bonding agent does not meet the requirements of the Code.

Mr. Stump stated that the Code does not require a dust free all weather surface for mobile home storage or display because it is not a motorized vehicle.

Mr. Norman mentioned again to the Board that they will have a spacing requirement of 25 feet between the mobile homes and that would allow for only 18 mobile homes to be placed on the south boundary of the property. Mr. Stump asked Mr. Norman if he is planning to setback from the property line for the mobile homes. Mr. Norman stated that they have 200' of depth and they would be okay with a five-foot setback. Mr. Stump stated that buildings in this area require a ten-foot setback and it appears to have the same impact as a building. Mr. Norman stated that the ten-foot setback would not be a problem.

Mr. Norman stated that he is concerned about the two walls. He believes that there are enough trees to screen the property.

Mr. White asked Mr. Norman about the spacing between the trailers along the south property line. Mr. White questioned what will happen if they have a doublewide trailer. Mr. Norman said that he is seeking a ten-foot separation between trailers.

Ms. Turnbo said that they meet the requirements that have been discussed. She said that she has no problem with the application.

Mr. White said that he would like to throw in some additional requirements in response to the Kerr Elementary School Principal's letter (Exhibit Q-6) regarding limiting the movement of trailers out the gate not coinciding with school bus times. Mr. White said that they should also limit the separation to ten feet between trailers with a maximum of 18 trailers on the south boundary.

Mr. Dunham asked Mr. White what his thoughts were on limiting the movement of trailers. Mr. White said that they should not be moved when the school bus traffic will be going up and down the street. Mr. Cooper believes that it would be unreasonable to make the owners coordinate the movement of the mobile homes with the bus schedules. Ms. Turnbo said that if the facility only sells four or five mobile homes a month, there would not really be a problem. Mr. Cooper does not believe that it is enforceable.

Mr. Cooper mentioned that he is concerned about the all weather surface. He does not believe that there should be gravel anywhere on the property. Mr. Stump stated that there is no requirement for the surface.

Ms. Turnbo believes that the Board should make a requirement that the mobile homes that are traded in must be habitable. The Board agreed.

Ms. Turnbo pointed out to the Board and the Homeowners' Association that if the brick wall ever fell down it would not be the responsibility of the mobile home sales facility to repair it. The fence belongs to the Homeowners' Association. Mr. Dunham asked if the Board could make a requirement that a six-foot fence must be maintained there. Mr. Stump said that if the ten-foot setback is acceptable he suggested that the south 10 feet remain grass and put the 6-foot screening fence 10 feet north of the southern boundary.

Mr. Romig stated that the Zoning Code requires a screening fence between a CS and a residential district. Mr. Romig suggested that the Board make a condition that the mobile home sales facility build a six-foot fence. He does not want to put a condition on the lot owners who are not a party of this application.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to permit Use Unit 17, Trailer, Mobile Home and camper sales only, in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17**, subject to the following:

1. Landscaping must meet Code Requirements.
2. Mobile homes on the lot must be legally habitable.
3. Six-foot privacy fence along the south, west & east excluding the north 150 feet of the east boundary.
4. Must have skirting on trailers that are visible from Admiral Place.
5. Must have security lights and they must be hooded and directed down and away from neighborhood.
6. Hours of operation: 8:00 a.m. – 8:00 p.m. - Monday through Saturday
7. Must have a dust free parking and transporting surface.
8. Signage is only allowed on Admiral Place, per City Code.
9. 117<sup>th</sup> Street entrance is to only be used for the moving of mobile homes in and out of the lot and not open to public use.
10. No entrance is allowed on 119<sup>th</sup> Street.
11. There shall be a maximum of 18 mobile homes on the lot with a minimum 10-foot separation distance between each one.

On the following described property:

E 150' of the N 150' & the S 200' of Lot 2, Block 1, Western Village Mart, Tulsa County, State of Oklahoma.

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## **Case No. 18110**

### **Action Requested:**

Variance of the required 20' rear yard to 8.5'. **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, and a Variance of the required 20' side yard for a garage that accesses a non-arterial street to 16.5'. **SECTION 403.A.5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 5807 East 58<sup>th</sup> Street.

### **Presentation:**

The applicant, **William B. Jones**, 3800 First National Tower, submitted a site plan and stated that he represents the applicant Mr. George Jonas. Mr. Jonas filed a similar application to this one in March of 1998. The application that was presented in March failed due to a lack of majority vote. Mr. Jones stated that they have made substantial changes in the application since that time. They have changed the setback from Irvington. Irvington is a collector street and there is 30' of right-of-way on either side. The paving on the street is 26' wide and not the normal 22' wide. The applicants want to build a four-car garage and convert the existing garage into a living area. Mr. Jones stated that there has been a lot of problem with vandalism of automobiles in the neighborhood and the applicant has two collector automobiles that he would like to keep protected in a garage. Mr. Jones stated that the new garage is not going to create a visibility problem because it will not extend any further than the existing garage. Mr. Jones said that this garage will line up with the garages on the north and on the south. There will be a separation distance of 55' from the proposed garage and the garage to the north. After building the garage the applicant's will still have over 5,000 SF of rear yard. Mr. Jones mentioned to the Board that they have approval from the neighbor to the north. Mr. Jones submitted photos to the Board (Exhibit R-4) showing other large garages in the neighborhood. Mr. Jones spoke with the President of the homeowners' association and they discussed the application. His only concern was that he wanted the roofline to line up with the existing roofline moving north and that it only be one story. Mr. Jones submitted a petition (Exhibit R-3) showing 19 signatures of neighbors in the area supporting this application.

### **Comments and Questions:**

Mr. Dunham mentioned that a protest letter (Exhibit R-3) was submitted to the Board.

Mr. Cooper asked the applicant what the hardship is on this application. Mr. Jones answered that one major concern is security and to remove the vehicles off the street. He commented that it is difficult to achieve these objectives on a corner lot. He stated that there is no way to expand except to go northward.

### **Interested Parties:**

**Dorothy Markham**, 5821 East 58<sup>th</sup> Place, stated that she wrote the protest letter. Ms. Markham stated that the curb line on the proposed plat is in the middle of the street. Mr. Dunham and Ms. Markham had a disagreement about the curb line. Mr. Stump

stated that it is approximately 15' from the curb line to the edge of the right-of-way. Ms. Markham stated that the driveway is incompatible with the neighborhood. Discussion continued about the placement of the curb line on the plat. Ms. Markham thinks a four-car garage looks like a commercial building and is not compatible with the neighborhood.

**Cletus Heinrus**, 5812 East 58<sup>th</sup> Place, stated that he built a new home in the addition about six years ago. Mr. Heinrus believes that a four-car garage is out of place in this neighborhood.

**Lois Johnson**, 5816 East 57<sup>th</sup> Street, stated that her property joins Mr. Jonas' property at the corner. Ms. Johnson does not oppose or object to them enlarging and improving his property.

**Louise Jennings**, 5807 East 47<sup>th</sup> Street, stated that the neighborhood is delighted for Mr. and Mrs. Jonas. They like having young couples move into the area and better their property. Ms. Jennings stated that she supports the application.

**Applicant's Rebuttal:**

Mr. Jones stated that he has a diagram that shows the layout of the street. There is a 60' collector street, of the 30'; 13' is paved on this half. Mr. Dunham asked if this was a 36' street and Mr. Jones replied that it is only a 26' collector street. They are proposing to setback 34.84', which leaves 2.16' at the very closest point.

**Comments and Questions:**

Ms. Turnbo said that on the previous case she had made the motion to approve it. She does not believe that it is injurious to the neighborhood. Mr. Dunham agreed with her.

Mr. Cooper mentioned that he is still trying to determine what the hardship is and that was what his problem was with the case last time. Mr. Cooper said that the distance from Irvington does not bother him.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-1-1 (Dunham, Turnbo, Perkins, "aye"; Cooper "nays", White "abstentions"; no "absent") to **APPROVE** Variance of the required 20' rear yard to 8.5' but only for the depth of the garage, **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, and a Variance of the required 20' side yard for a garage that accesses a non-arterial street to 16.5'. **SECTION 403.A.5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** finding that the addition is not injurious to the neighborhood, on the following described property:

Lot 8, Block 4, Park Plaza Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

## **Case No. 18111**

### **Action Requested:**

Special Exception to permit a private school (pre-kindergarten through 3<sup>rd</sup> grade) in an AG district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5**, located 1 West 81<sup>st</sup> Street.

### **Presentation:**

The applicant, **Leisa McNulty**, submitted a site plan (Exhibit S-1) and photos (Exhibit S-2) and stated that they want to open a school for pre-kindergarten through 3<sup>rd</sup> grade. The proposed hours of operation will be from 7:00 a.m. to 6:00 p.m. and they will be in operation for 12 months out of the year. They anticipate a maximum of 100 students and a maximum of 25 staff. Ms. McNulty stated that the occupancy allowed by the Building Code for educational use is 20 square foot per occupant, which for this property would allow 338 occupants. That figure is only considering the first and second floors because Code will not allow a three-story structure for a school. The site plan shows eight parking spaces and she has added by hand another eight spaces to the north to show that there is ample room on the property for parking. Ms. McNulty said that the school proposes to put a play area in the field that is adjacent to the house. The existing pool is completely surrounded by a 4' chain link fence. In 1986, the same property received a special exception to allow a health spa. The health spa included educational classes and food service and overnight stay.

### **Comments and Questions:**

Mr. White asked Ms. McNulty to explain the concept of the school. Ms. McNulty answered that it is a small private school with grades pre-kindergarten through 3<sup>rd</sup> grade. They have a special curriculum consisting of phonics, math, penmanship, history, sign language, piano, dance and music.

Ms. Turnbo asked where the Staff (25 people) will park. Ms. McNulty answered that they have enough property to make as many spaces as needed. She stated that she indicates the eight parking spaces that are required by Code. Ms. Turnbo mentioned to the applicant that the parking would have to be hard surfaced.

Mr. White asked the applicant if they will have school busses to bring the children to school or will the parents bring them. Ms. McNulty answered that the parents will be bringing the students. Mr. White stated that he is concerned about the condition of the roads in the area. Ms. McNulty stated that West 81<sup>st</sup> Street is a two-lane paved road and the current driveway at the residence is a gravel road. She indicated that as part of the improvements on this project, they will be paving the driveway and the parking.

Ms. McNulty asked Mr. Stump if the Code requires one parking space per 1,200 SF for educational use and if there are additional requirements to provide for the teacher/staffing. Mr. Stump answered negatively. Mr. Romig stated that the applicant meets the required parking with the eight spaces; however, the problem is additional

parking will have to be all weather surfaced. Mr. Romig indicated that if facility has 25 faculty members who are going to be parking there, they will need at least 25 all-weather surfaced spaces.

**Interested Parties:**

**Kara Copes** stated that their desire is to have a school in this building. Ms. Copes pointed out to the Board that according to the Code they could have up to 300 people in the school but they would never want more than 100 students there. She indicated that the school has no plans to expand the building. When the school does outgrow the building they would like to build in a different site. Ms. Copes mentioned that it would not be a problem to residents in the area because they do not plan on expanding and the facility is quite a distance from other properties.

Ms. Perkins asked Ms. Copes if the school is planning on having an outdoor play area for the children. Ms. Copes stated that there is a large field and it will be fenced in for the children. She indicated that there will be a play area in the middle of the field with a baseball field.

Ms. Turnbo asked if there is a creek that runs through the property. Ms. Copes answered that there is a creek in the very back. The children will be in the front of the property in a fenced in area and always supervised.

**Barbara Hare**, 7703 South Elwood Avenue, stated that she is opposed to having a school put in on 81<sup>st</sup> Street. Ms. Hare has lived on Elwood for a number of years and the traffic gets worse every day. She stated that she is concerned about the flooding in the area. She indicated that anytime there is a substantial amount of rain, 81<sup>st</sup> Street is closed due to the creek flooding. Most of the area is on septic tanks and the use of the property as a school would not be a good idea with a septic tank system. The other concern is that the property is in a flood-zoned area.

**Mary Lou Bell**, 245 West 81<sup>st</sup> Street, stated that she has lived there for 30 years. Ms. Bell stated that she purchased her property before Highway 75 was built. She explained that after Highway 75 was constructed the water table was changed, which contributes to the area flooding. Ms. Bell stated that she wanted to know what is proposed for the log cabin on the back of the property. Ms. Bell believes that paving the parking area could cause more of a water problems.

**Madeline Nunnley** stated that she lives next door to the proposed school. She stated that she thinks the neighborhood should remain single family. Ms. Nunnley commented that the flooding could become a problem for the school. She stated that she does not think that a septic tank system could handle the proposed facility.

**Johnny Satterfield**, 7817 South Elwood, stated that she represents her family who owns adjacent property. On 81<sup>st</sup> Street between Peoria and Elwood there are seven houses. Of the seven houses, four have business in them. In the last two years, two homes have been removed across the street. There is a new bridge on 81<sup>st</sup> Street,

**Timothy Lang**, 11721 East 1<sup>st</sup> Street, stated that he is married and has three children. Mr. Lang mentioned that his backyard abuts this property. Mr. Lang stated that the concrete wall is no more than 5 feet tall because he can look over it. Children who go to school at Kerr Elementary cut through the property in question every day. Mr. Lang believes the mobile home sales facility will lower the value of his home. Mr. Lang does not want a view of the mobile homes abutting the concrete wall. The mobile home sales facility across the street generates a lot of dust and every time a trailer is moved in or out dust clouds arise. Mr. Lang does not want his backyard to become full of dust.

**Steve Copeland**, 11725 East 2<sup>nd</sup> Street, stated that he has lived in the neighborhood for many years. Mr. Copeland does not like the fact that the mobile home sales facility across the street has put up floodlights and they shine right into the neighborhood. He does not want this facility to have the same type of bright floodlights. Mr. Copeland does not want the surface of this facility to be gravel because it will blow right into his house and onto his cars. Mr. Copeland questioned Mr. Norman's use of the term "storage and display". He wants to know if repossessed mobile homes will be stored there. Mr. Copeland suggested that Mr. Norman's clients repair the existing concrete wall and extend it 8 feet in height. He feels that this facility is dangerous because there is a school and a park nearby.

**Don Copeland** stated that he has lived in this addition since 1964. Mr. Copeland said that this is a good, clean neighborhood. The people in the addition consist of elders and young couples. Mr. Copeland stated that he is opposed to the application for the trailer sales.

#### **Interested Parties in Opposition of the Application:**

**Laddie Ondracek**, 11327 East 3<sup>rd</sup> Street; **Dora Watkins**, 11336 East 3<sup>rd</sup> Street; **Marcel Marlo**, 2317 South 117<sup>th</sup> East Place; **E.C. McClaen**, South 117<sup>th</sup> East Place; **Mr. & Mrs. Arthur Earnhardt**, 109 South 117<sup>th</sup> East Place; **Patricia A. Miles**, 237 South 117<sup>th</sup> East Place; **Geri McClain**, 228 South 117<sup>th</sup> East Place; **Margueruttea Knight**, 153 South 117<sup>th</sup> East Place; **Mr. & Mrs. William Dalton**, 115 & 117 117<sup>th</sup> East Place; **Deanna Taylor Burns & Dee Burns**, 11937 East 16<sup>th</sup> Place; **Evelyn Elliott**, 11705 East 1<sup>st</sup> Street; **Mary Lang**, 11711 East 1<sup>st</sup> Street; **Roger Lang**, 2601 East Princeton Street; **C.H. Deaton**, 11715 East 2<sup>nd</sup> Street; **Dean & Becky James**, 103 South 117<sup>th</sup> East Place; **Lee James**, 924 South Winston; **Virginia Cameron**, 240 South 118<sup>th</sup> East Avenue; **Ronald & Sue Barnes**, 11712 East 1<sup>st</sup> Street; **Barbara Fiezel**, 10 South 120<sup>th</sup> East Place; **Barbara Norris**, 16 South 120<sup>th</sup> East Place; **Nancy Crayton**, 245 South 120<sup>th</sup> East Avenue.

#### **Interested Parties In Support of the Application:**

**Kara Copes**, 407 South Elm Court, Broken Arrow; **Jonnie Ingram**, Broken Arrow.

**Applicant's Rebuttal:**

Mr. Norman stated that the mobile home sales that are going in on the north side of Admiral are within the Industrial Light District and are not subject to the review by the Board of Adjustment. Mr. Norman stated that he has no objection to deleting from the application the camper bodies that are put in pick-up trucks if that will make the person who objected to that happy. It is intended that these mobile homes be permanent structures. Mr. Norman asked the Board to focus on the existing relationship between the mobile home sales facility on the east side of 119<sup>th</sup> and the homes that back up to it. Mr. Norman mentioned that the area is extremely well maintained. Mr. Norman said that the homes behind this facility have not been affected by the mobile home sales facility being located next to them. Mr. Norman pointed out to the Board that none of the mobile homes sales facilities in the area have the same kind of separation restriction along the south boundary that he is proposing. Mr. Norman does not think that an 8 foot screening fences are appropriate. Mr. Norman proposes that any mobile home displayed on the frontage be skirted so that on the Admiral side it has a nice appearance. The lights are going to be shielded and directed down and away from the residential area. Mr. Norman is not sure what will be used as a paving surface. They intend to be bound by the Zoning Code, which requires dust free surfaces in the area where the mobile homes are to be displayed for sale. The hours of operation suggested allow people to visit this facility after they get off work. Most of the people who buy this type of home work rigid hours. Mr. Norman pointed out that the entrance on 117<sup>th</sup> Street would not be opened for public access except to move in and move out the larger mobile homes. They could have put the entrance on 119<sup>th</sup> Street but that would have required the removal of several trees. Mr. Norman suggests that if the company sells 4 or 5 mobile homes a month it will not be a major traffic hazard to any of the people who utilize 117<sup>th</sup> Street, including the school buses. The traffic for customers would be entirely on Admiral Place. Mr. Norman mentioned that they have no objection to prohibiting signage on 117<sup>th</sup> Street and 119<sup>th</sup> Street.

**Comments and Questions:**

Mr. Cooper asked Mr. Norman if he had an objection to landscaping. Mr. Norman answered that the landscaping that is there is sufficient. He understands that he will have to landscape the frontage on Admiral but they do not have plans for internal landscaping.

Mr. Cooper asked if the mobile homes are going to be new and not used. Mr. Norman stated that the operator of the facility has said that they sell new homes but they sometimes take trade-ins.

Mr. Cooper asked how Mr. Norman plans on meeting the 6-foot screening requirement. Mr. Norman stated that if the neighbors prefer a second fence along the south side then they would do that. Mr. Cooper asked if the brick wall is on the subject property. Mr. Norman stated that the developer constructed it.

Mr. Cooper asked about the all weather surface. Mr. Norman stated that they are required to have the all weather surface for the display and storage. He indicated that they are required to have a hard surface for the driveway aisles and parking areas for customers. He stated that In the Zoning Code there is a statement that says that gravel by itself without a bonding agent does not meet the requirements of the Code.

Mr. Stump stated that the Code does not require a dust free all weather surface for mobile home storage or display because it is not a motorized vehicle.

Mr. Norman mentioned again to the Board that they will have a spacing requirement of 25 feet between the mobile homes and that would allow for only 18 mobile homes to be placed on the south boundary of the property. Mr. Stump asked Mr. Norman if he is planning to setback from the property line for the mobile homes. Mr. Norman stated that they have 200' of depth and they would be okay with a five-foot setback. Mr. Stump stated that buildings in this area require a ten-foot setback and it appears to have the same impact as a building. Mr. Norman stated that the ten-foot setback would not be a problem.

Mr. Norman stated that he is concerned about the two walls. He believes that there are enough trees to screen the property.

Mr. White asked Mr. Norman about the spacing between the trailers along the south property line. Mr. White questioned what will happen if they have a doublewide trailer. Mr. Norman said that he is seeking a ten-foot separation between trailers.

Ms. Turnbo said that they meet the requirements that have been discussed. She said that she has no problem with the application.

Mr. White said that he would like to throw in some additional requirements in response to the Kerr Elementary School Principal's letter (Exhibit Q-6) regarding limiting the movement of trailers out the gate not coinciding with school bus times. Mr. White said that they should also limit the separation to ten feet between trailers with a maximum of 18 trailers on the south boundary.

Mr. Dunham asked Mr. White what his thoughts were on limiting the movement of trailers. Mr. White said that they should not be moved when the school bus traffic will be going up and down the street. Mr. Cooper believes that it would be unreasonable to make the owners coordinate the movement of the mobile homes with the bus schedules. Ms. Turnbo said that if the facility only sells four or five mobile homes a month, there would not really be a problem. Mr. Cooper does not believe that it is enforceable.

Mr. Cooper mentioned that he is concerned about the all weather surface. He does not believe that there should be gravel anywhere on the property. Mr. Stump stated that there is no requirement for the surface.

Ms. Turnbo believes that the Board should make a requirement that the mobile homes that are traded in must be habitable. The Board agreed.

Ms. Turnbo pointed out to the Board and the Homeowners' Association that if the brick wall ever fell down it would not be the responsibility of the mobile home sales facility to repair it. The fence belongs to the Homeowners' Association. Mr. Dunham asked if the Board could make a requirement that a six-foot fence must be maintained there. Mr. Stump said that if the ten-foot setback is acceptable he suggested that the south 10 feet remain grass and put the 6-foot screening fence 10 feet north of the southern boundary.

Mr. Romig stated that the Zoning Code requires a screening fence between a CS and a residential district. Mr. Romig suggested that the Board make a condition that the mobile home sales facility build a six-foot fence. He does not want to put a condition on the lot owners who are not a party of this application.

**Board Action:**

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to permit Use Unit 17, Trailer, Mobile Home and camper sales only, in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17**, subject to the following:

1. Landscaping must meet Code Requirements.
2. Mobile homes on the lot must be legally habitable.
3. Six-foot privacy fence along the south, west & east excluding the north 150 feet of the east boundary.
4. Must have skirting on trailers that are visible from Admiral Place.
5. Must have security lights and they must be hooded and directed down and away from neighborhood.
6. Hours of operation: 8:00 a.m. – 8:00 p.m. - Monday through Saturday
7. Must have a dust free parking and transporting surface.
8. Signage is only allowed on Admiral Place, per City Code.
9. 117<sup>th</sup> Street entrance is to only be used for the moving of mobile homes in and out of the lot and not open to public use.
10. No entrance is allowed on 119<sup>th</sup> Street.
11. There shall be a maximum of 18 mobile homes on the lot with a minimum 10-foot separation distance between each one.

On the following described property:

E 150' of the N 150' & the S 200' of Lot 2, Block 1, Western Village Mart, Tulsa County, State of Oklahoma.

\* \* \* \* \*



## **Case No. 18110**

### **Action Requested:**

Variance of the required 20' rear yard to 8.5'. **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, and a Variance of the required 20' side yard for a garage that accesses a non-arterial street to 16.5'. **SECTION 403.A.5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**, located 5807 East 58<sup>th</sup> Street.

### **Presentation:**

The applicant, **William B. Jones**, 3800 First National Tower, submitted a site plan and stated that he represents the applicant Mr. George Jonas. Mr. Jonas filed a similar application to this one in March of 1998. The application that was presented in March failed due to a lack of majority vote. Mr. Jones stated that they have made substantial changes in the application since that time. They have changed the setback from Irvington. Irvington is a collector street and there is 30' of right-of-way on either side. The paving on the street is 26' wide and not the normal 22' wide. The applicants want to build a four-car garage and convert the existing garage into a living area. Mr. Jones stated that there has been a lot of problem with vandalism of automobiles in the neighborhood and the applicant has two collector automobiles that he would like to keep protected in a garage. Mr. Jones stated that the new garage is not going to create a visibility problem because it will not extend any further than the existing garage. Mr. Jones said that this garage will line up with the garages on the north and on the south. There will be a separation distance of 55' from the proposed garage and the garage to the north. After building the garage the applicant's will still have over 5,000 SF of rear yard. Mr. Jones mentioned to the Board that they have approval from the neighbor to the north. Mr. Jones submitted photos to the Board (Exhibit R-4) showing other large garages in the neighborhood. Mr. Jones spoke with the President of the homeowners' association and they discussed the application. His only concern was that he wanted the roofline to line up with the existing roofline moving north and that it only be one story. Mr. Jones submitted a petition (Exhibit R-3) showing 19 signatures of neighbors in the area supporting this application.

### **Comments and Questions:**

Mr. Dunham mentioned that a protest letter (Exhibit R-3) was submitted to the Board.

Mr. Cooper asked the applicant what the hardship is on this application. Mr. Jones answered that one major concern is security and to remove the vehicles off the street. He commented that it is difficult to achieve these objectives on a corner lot. He stated that there is no way to expand except to go northward.

### **Interested Parties:**

**Dorothy Markham**, 5821 East 58<sup>th</sup> Place, stated that she wrote the protest letter. Ms. Markham stated that the curb line on the proposed plat is in the middle of the street. Mr. Dunham and Ms. Markham had a disagreement about the curb line. Mr. Stump

stated that it is approximately 15' from the curb line to the edge of the right-of-way. Ms. Markham stated that the driveway is incompatible with the neighborhood. Discussion continued about the placement of the curb line on the plat. Ms. Markham thinks a four-car garage looks like a commercial building and is not compatible with the neighborhood.

**Cletus Heinrus**, 5812 East 58<sup>th</sup> Place, stated that he built a new home in the addition about six years ago. Mr. Heinrus believes that a four-car garage is out of place in this neighborhood.

**Lois Johnson**, 5816 East 57<sup>th</sup> Street, stated that her property joins Mr. Jonas' property at the corner. Ms. Johnson does not oppose or object to them enlarging and improving his property.

**Louise Jennings**, 5807 East 47<sup>th</sup> Street, stated that the neighborhood is delighted for Mr. and Mrs. Jonas. They like having young couples move into the area and better their property. Ms. Jennings stated that she supports the application.

**Applicant's Rebuttal:**

Mr. Jones stated that he has a diagram that shows the layout of the street. There is a 60' collector street, of the 30'; 13' is paved on this half. Mr. Dunham asked if this was a 36' street and Mr. Jones replied that it is only a 26' collector street. They are proposing to setback 34.84', which leaves 2.16' at the very closest point.

**Comments and Questions:**

Ms. Turnbo said that on the previous case she had made the motion to approve it. She does not believe that it is injurious to the neighborhood. Mr. Dunham agreed with her.

Mr. Cooper mentioned that he is still trying to determine what the hardship is and that was what his problem was with the case last time. Mr. Cooper said that the distance from Irvington does not bother him.

**Board Action:**

On **MOTION** of **TURNBO**, the Board voted 3-1-1 (Dunham, Turnbo, Perkins, "aye"; Cooper "nays", White "abstentions"; no "absent") to **APPROVE** Variance of the required 20' rear yard to 8.5' but only for the depth of the garage, **SECTION 403.A. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, and a Variance of the required 20' side yard for a garage that accesses a non-arterial street to 16.5'. **SECTION 403.A.5. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** finding that the addition is not injurious to the neighborhood, on the following described property:

Lot 8, Block 4, Park Plaza Addition, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

## **Case No. 18111**

### **Action Requested:**

Special Exception to permit a private school (pre-kindergarten through 3<sup>rd</sup> grade) in an AG district. **SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5**, located 1 West 81<sup>st</sup> Street.

### **Presentation:**

The applicant, **Leisa McNulty**, submitted a site plan (Exhibit S-1) and photos (Exhibit S-2) and stated that they want to open a school for pre-kindergarten through 3<sup>rd</sup> grade. The proposed hours of operation will be from 7:00 a.m. to 6:00 p.m. and they will be in operation for 12 months out of the year. They anticipate a maximum of 100 students and a maximum of 25 staff. Ms. McNulty stated that the occupancy allowed by the Building Code for educational use is 20 square foot per occupant, which for this property would allow 338 occupants. That figure is only considering the first and second floors because Code will not allow a three-story structure for a school. The site plan shows eight parking spaces and she has added by hand another eight spaces to the north to show that there is ample room on the property for parking. Ms. McNulty said that the school proposes to put a play area in the field that is adjacent to the house. The existing pool is completely surrounded by a 4' chain link fence. In 1986, the same property received a special exception to allow a health spa. The health spa included educational classes and food service and overnight stay.

### **Comments and Questions:**

Mr. White asked Ms. McNulty to explain the concept of the school. Ms. McNulty answered that it is a small private school with grades pre-kindergarten through 3<sup>rd</sup> grade. They have a special curriculum consisting of phonics, math, penmanship, history, sign language, piano, dance and music.

Ms. Turnbo asked where the Staff (25 people) will park. Ms. McNulty answered that they have enough property to make as many spaces as needed. She stated that she indicates the eight parking spaces that are required by Code. Ms. Turnbo mentioned to the applicant that the parking would have to be hard surfaced.

Mr. White asked the applicant if they will have school busses to bring the children to school or will the parents bring them. Ms. McNulty answered that the parents will be bringing the students. Mr. White stated that he is concerned about the condition of the roads in the area. Ms. McNulty stated that West 81<sup>st</sup> Street is a two-lane paved road and the current driveway at the residence is a gravel road. She indicated that as part of the improvements on this project, they will be paving the driveway and the parking.

Ms. McNulty asked Mr. Stump if the Code requires one parking space per 1,200 SF for educational use and if there are additional requirements to provide for the teacher/staffing. Mr. Stump answered negatively. Mr. Romig stated that the applicant meets the required parking with the eight spaces; however, the problem is additional

parking will have to be all weather surfaced. Mr. Romig indicated that if facility has 25 faculty members who are going to be parking there, they will need at least 25 all-weather surfaced spaces.

**Interested Parties:**

**Kara Copes** stated that their desire is to have a school in this building. Ms. Copes pointed out to the Board that according to the Code they could have up to 300 people in the school but they would never want more than 100 students there. She indicated that the school has no plans to expand the building. When the school does outgrow the building they would like to build in a different site. Ms. Copes mentioned that it would not be a problem to residents in the area because they do not plan on expanding and the facility is quite a distance from other properties.

Ms. Perkins asked Ms. Copes if the school is planning on having an outdoor play area for the children. Ms. Copes stated that there is a large field and it will be fenced in for the children. She indicated that there will be a play area in the middle of the field with a baseball field.

Ms. Turnbo asked if there is a creek that runs through the property. Ms. Copes answered that there is a creek in the very back. The children will be in the front of the property in a fenced in area and always supervised.

**Barbara Hare**, 7703 South Elwood Avenue, stated that she is opposed to having a school put in on 81<sup>st</sup> Street. Ms. Hare has lived on Elwood for a number of years and the traffic gets worse every day. She stated that she is concerned about the flooding in the area. She indicated that anytime there is a substantial amount of rain, 81<sup>st</sup> Street is closed due to the creek flooding. Most of the area is on septic tanks and the use of the property as a school would not be a good idea with a septic tank system. The other concern is that the property is in a flood-zoned area.

**Mary Lou Bell**, 245 West 81<sup>st</sup> Street, stated that she has lived there for 30 years. Ms. Bell stated that she purchased her property before Highway 75 was built. She explained that after Highway 75 was constructed the water table was changed, which contributes to the area flooding. Ms. Bell stated that she wanted to know what is proposed for the log cabin on the back of the property. Ms. Bell believes that paving the parking area could cause more of a water problems.

**Madeline Nunnley** stated that she lives next door to the proposed school. She stated that she thinks the neighborhood should remain single family. Ms. Nunnley commented that the flooding could become a problem for the school. She stated that she does not think that a septic tank system could handle the proposed facility.

**Johnny Satterfield**, 7817 South Elwood, stated that she represents her family who owns adjacent property. On 81<sup>st</sup> Street between Peoria and Elwood there are seven houses. Of the seven houses, four have business in them. In the last two years, two homes have been removed across the street. There is a new bridge on 81<sup>st</sup> Street,