

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 525
Thursday, October 20, 1988, 1:00 p.m.
Francis F. Campbell Commission Room
Plaza Level of City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle, Chairman Quarles Smith	Bradley White	Gardner Taylor Moore	Linker, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, October 18, 1988, at 11:40 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White, "absent") to **APPROVE** the Minutes of October 6, 1988.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14962

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from East 99th Street South from 30' to 25', located NE/c South Louisville and 99th Street South.

Presentation:

The applicant, Calvin Cozart, was not present.

Comments and Questions:

Mr. Gardner informed that there is an amendment pending that would allow the applicant a 15' setback by right.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from East 99th Street South from 30' to 25'; finding that an amendment is pending that will reduce the required setback to 15' by right; on the following described property:

10.20.88:525(1)

Case No. 14962 (continued)

Lot 19, Block 3, Silver Chase Amended Addition, City of Tulsa,
Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14954

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of rear yard setback from 20' to 10' to allow for an addition to an existing dwelling, located 1957 East 35th Place.

Presentation:

The applicant, Gerard d'Acquin, 1957 East 35th Place, Tulsa, Oklahoma, who submitted a plot plan (Exhibit A-1) and photographs (Exhibit A-2), explained that his house is located on a corner lot and he is proposing to construct a garage on the north end. He pointed out that this will allow the conversion of a portion of the existing garage to a bedroom. Mr. d'Acquin stated that the proposed addition will be a long distance from the nearest structure to the north.

Comments and Questions:

Mr. Smith asked the applicant if the addition will be 13' from the north property line, instead of 10' as stated in the application, and Mr. d'Acquin replied that construction will probably be within 13' of the north boundary.

The applicant stated that he has discussed the proposed addition with the neighbors and they are not opposed to the construction. A petition of support (Exhibit A-3) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of rear yard setback from 20' to 12 1/2' (not 10' as advertised) to allow for an addition to an existing dwelling; finding a hardship imposed on the applicant by the placement of the existing structure on the lot; and that the granting of the request will not cause substantial detriment to the public good or impair the spirit, purposes and intent of the Code, or the Comprehensive Plan; on the following described property:

Lot 20, Block 5, Adams Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14955

Action Requested:

Variance - Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1213 - Request a variance of lot frontage from 150' to 107' in order to allow for a lot split, located 6015 South Peoria Avenue.

Presentation:

The applicant, David Graves, 3227 East 31st Street, Tulsa, Oklahoma, stated that the lot split has been approved by TMAPC, and explained that a hamburger business and an office building are both located on the property and the split will allow separate ownership of the two businesses. He noted that numerous properties along Peoria have less frontage than the request in this application. A plot plan (Exhibit B-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1213) of lot frontage from 150' to 107' in order to allow for a lot split; per plot plan submitted; finding a hardship demonstrated by the large size of the lot and the fact that there are numerous properties along Peoria that have less lot frontage than the subject property; and finding that the granting of the request will not be detrimental to the area; on the following described property:

Lot 2, Block 1, Willowick Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14956

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RM-1 zoned district.

Variance - Section 440.6(a) - Special Exception Requirements - Use Unit 1209 - Request a variance of the time regulation from one year to 10 years, located NW/c North Peoria and Zion Street.

Presentation:

The applicant, Benjamin Boulware, 6845 South Troost, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-2) and asked the Board to allow him to place a mobile home on the subject property in order that he can supervise the construction of his home at a later date. He stated that the mobile home will cost between \$33,000 and \$50,000, and will be comparable to the existing homes in the neighborhood. Floor plans (Exhibit C-3) were submitted.

Case No. 14956 (continued)

Protestants:

Fred Worthem, 2507 North Peoria, Tulsa, Oklahoma, stated that he is opposed to the mobile home in the residential area. He asked that the Board deny the application.

Essix Keys, 2518 North Peoria, Tulsa, Oklahoma, stated that he lives across the street from the property in question and that he was informed by the applicant that a house was to be constructed on the lot. Mr. Keys remarked that he is opposed to the installation of a mobile home in the neighborhood.

Interested Parties:

Mr. Chappelle informed that the Board has received a letter of support (Exhibit C-1) from Ms. Catherine Williams.

Additional Comments:

Mr. Quarles asked the applicant if there are other mobile homes in the area, and he replied that there are no mobile homes in the area, but the mobile is double wide and very nice.

Mr. Chappelle stated that he might be inclined to approve the mobile home for two or three years, but not for 10 years.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RM-1 zoned district; and to **DENY** a **Variance** (Section 440.6(a) - Special Exception Requirements - Use Unit 1209) of the time regulation from one year to 10 years; finding that a mobile home would not be compatible with the residential area, and that the granting of the special exception request would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 1, Block 1, Sunnyslope Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14957

Action Requested:

Variance - Section 1214.4 - Off-Street Parking Requirements - Use Unit 1214 - Request a variance of the required number of parking spaces from 38 to 31, located 3747 South Harvard Avenue.

Case No. 14957 (continued)

Presentation:

The applicant, Stan Johnson, 2666 East 57th Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) and explained that he is the owner of a building that was constructed in 1970, which currently has 33 paved parking spaces, two of which lap over the property line approximately two to three feet into City right-of-way. He stated that the building has been used predominately for office space and the plans are to upgrade the complex to attract retail tenants. A drawing (Exhibit D-2) was submitted.

Comments and Questions:

In response to Mr. Gardner's question, Mr. Johnson replied that the building contains 8750 sq. ft., with that figure being reduced to 8360 sq. ft. after renovation. He informed that 37.1 parking spaces will be required if all uses in the building are retail.

Mr. Gardner advised that parking requirements have been met for the existing office use, however, the change to retail use requires additional spaces. He noted that certain types of retail uses would require a substantial increase in parking.

Mr. Johnson informed that he does not intend to have bars or restaurants as tenants in the center.

In response to Mr. Quarles inquiry, the applicant informed that he is seeking out tenants such as a reproduction shop, insurance agencies, etc.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White, "absent") to **APPROVE** a **Variance** (Section 1214.4 - Off-Street Parking Requirements - Use Unit 1214) of the required number of parking spaces from 38 to 31; per plot plan submitted; subject to no bars, clubs or restaurants being permitted as tenants; on the following described property:

Lots 10, 11, and 12, Block 2, Thirty-Sixth Street Suburb Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14958

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Unit 1211 - Request a special exception to allow for office uses in an RM-2 zoned district, located 1217 South Houston Avenue.

Case No. 14958 (continued)

Presentation:

The applicant, Greg Farrar, 2144 East 40th Street, Tulsa, Oklahoma, submitted photographs (Exhibit E-2) of the property, and informed that there are two existing structures located on the lot, a two-story triplex and a one-story concrete block building. He informed that the triplex has been used for rental property and the concrete building used for office space. It was noted by the applicant that the house is in bad repair and will be completely renovated and converted to law offices. He explained that he and his partner will occupy the building, with possibly one more attorney being added in the future. He stated that the Teddy Bear Day Care Center is in operation on the property to the north, and the northeast portion of the subject property is zoned for commercial use. Mr. Farrar informed that the concrete building will be razed to provide required parking for the business. A location map (Exhibit E-1) and a plat (Exhibit E-3) were submitted.

Comments and Questions:

In response to Mr. Chappelle's inquiry, Mr. Farrar informed that the existing house contains 2200 sq. ft. of floor space and the removal of the concrete building will provide adequate area for off-street parking.

Mr. Gardner advised that eight parking spaces will be required for the building.

Mr. Smith asked if the exterior design of the house will blend with the residential neighborhood to the south, and the applicant stated that the residential design of the house will be maintained.

Mr. Chappelle noted that a request for an office building further to the south was recently denied, and that area residents were opposed to the encroachment of this use into the residential neighborhood.

Mr. Gardner advised that, if it is the intent of the Board to approve the application and have the original house remain, with no new structures, this intent should be made a part of the motion.

Mr. Farrar stated that he has not had an engineer report on the building, but if the structure is not suitable for renovation and the plan is not feasible, the property will be sold.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Unit 1211) to allow for office uses in an RM-2 zoned district; subject to restoration of the existing two-story building, with the residential character being preserved; and subject to parking requirements being met; finding that a portion of the property is zoned commercial; and that the granting of the special exception request will not be detrimental to the area; on the following described property:

Case No. 14958 (continued)

A tract of land lying between the northern boundary of Lot 6, Block 4, resubdivision of Blocks 4, 5, and 12, of Childers Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma and the southerly boundary of Lot 4, Block 15, Lindsey Third Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, said tract being more particularly described as follows: Beginning at the NW/c of said Lot 6, Block 4 resubdivision of Blocks 4, 5 and 12, Childers Heights Addition. Thence easterly along the northerly line of said Lot 6 a distance of 55.0' to the NE/c thereof, thence north along a projection of the easterly line of said Lot 6 a distance of 11.75' to a point on the southerly boundary of said Lot 4, Block 15, Lindsey Third Addition. Thence westerly along the southerly boundary of said Lot 4, Block 15, Lindsey Third Addition, a distance of 53.5' to the SW/c of said Lot 4, Block 15, Lindsey Third Addition; thence southwesterly along the easterly right-of-way line of South Houston Avenue, a distance of 11.7' to the Point of Beginning, and known as 1217 South Houston; and the north 75', Lot 6, Block 4, Childers Heights Addition, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 14959

Action Requested:

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

Variance - Section 440.6(a) - Special Exception Requirements - Use Unit 1209 - Request a variance of the time restriction from one year to permanently; located SE/c 27th Street North and North Cheyenne.

Presentation:

The applicant, Lonnie Rucker, 531 North Cheyenne, Tulsa, Oklahoma, asked the Board to allow him to place a mobile home on the property for temporary use while constructing a home. He stated that his lot is surrounded by pastures and that the area is sparsely populated, with the existing homes being in bad repair.

Comments and Questions:

Mr. Smith asked if there are other mobile homes in the area, and the applicant replied that there is one across the street and four or five in the immediate vicinity.

Mr. Chappelle asked if the mobile home is double wide, and the applicant replied that the mobile home is not that large, but will only be temporary quarters while the construction of the house is in progress.

Mr. Chappelle asked the applicant if he is agreeable to a three-year time limit, and he answered in the affirmative.

Case No. 14959 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440.6(a) - Special Exception Requirements - Use Unit 1209) of the time restriction from one year to three years; finding that there are other mobile homes in the immediate area and that the granting of the request for three years will not be detrimental to the neighborhood; on the following described property:

Lots 5 and 6, Block 9, Ben C. Franklin Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14960

Action Requested:

Variance - Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of Admiral Place from 100' to 76' to allow for a new building, located NW/c Admiral Place and 165th East Avenue.

Presentation:

The applicant, David Grooms, 901 North Mingo, Tulsa, Oklahoma, stated that he was before the Board in 1987 regarding a proposed building at the above stated location. He submitted a plot plan (Exhibit F-1) for a newly designed building that is being constructed for the Quik-Trip Corporation across the country, and will replace the old building. Mr. Grooms stated that one diesel isle will be sacrificed in order to accommodate the new building design. He noted that houses in the subdivision to the east of the proposed building are 60' from the centerline of 165th East Avenue.

Comments and Questions:

Mr. Quarles stated that an area resident questioned the adequacy of existing sewer disposal systems in handling the added construction.

Mr. Grooms stated that there is a sewer project in progress that will be completed in 1989 and will eliminate all lagoons in the area, however, the new building will not generate a significant increase in sewage over the current amount.

Mr. Gardner remarked that the single family houses to the east are approximately 70' to 75' from the centerline of the street, but this request would set a precedent at this particular intersection in terms of commercial setbacks.

Case No. 14960 (continued)

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1213) of setback from the centerline of Admiral Place from 100' to 76' to allow for a new building; per plot plan submitted; finding a hardship demonstrated by the curvature of the street and irregular shape of the lot; and finding that there are structures in the general area that are closer to the centerline than the proposed building; on the following described property:

A part of Lot 4, Section 2, T-19-N, R-14-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Beginning at a point 651.51' east and 50.00' north of the SW/c of said Lot 4, thence N 0°57'22" E a distance of 251.61' to a point of curvature, thence southeasterly along a curve to the left having a radius of 368.00' and a central angle of 19°00'00" a distance of 122.00' to a point, thence N 89°55'00" E a distance of 85.56' to a point, thence S 0°25'00" W a distance of 232.50' to a point, thence N 89°49'00" W a distance of 208.00' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14961

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of rear yard setback from 25' to 10' and a variance of the livability space, located 3220 South Zunis Place.

Presentation:

The applicant, John McMahan, 3220 South Zunis, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1) and explained that he is proposing the construction of a new addition to an existing 1700 sq. ft. home. He informed that he has discussed the building plans with surrounding neighbors and has met with no opposition.

Comments and Questions:

Ms. Hubbard informed that the applicant is not in need of the requested variance of livability space.

Mr. Smith asked the applicant if he has discussed the proposed construction with the neighbor to the west, and Mr. McMahan replied that he has spoken with them and there was some question as to drainage. He stated that the neighbor informed him that he would be present at this meeting if he decided to protest the application.

In response to Mr. Smith's inquiry, Mr. McMahan replied that the west fence was in place at the time he moved to the present location, and the nearest structure in that direction is a guest house garage.

Case No. 14961 (continued)

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of rear yard setback from 25' to 10'; per plot plan submitted; finding a hardship imposed by the placement of the house on the lot, the curvature of the street and the irregular shape of the lot; on the following described property:

Lot 10, Block 5, Oaknoll Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14963

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for a day care center in an RS-3 zoned district, located 562 East 55th Place North.

Presentation:

The applicant, Azellia Burkhalter, PO Box 6654, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1) and requested permission to operate a day care center for 10 children at the above stated location.

Comments and Questions:

Mr. Chappelle asked the applicant if she lives at this location, and Ms. Burkhalter stated that she lives at another address, but her husband owns the vacant house where the business will be in operation.

In response to Mr. Quarles, the applicant informed that the house in question contains approximately 1300 sq. ft. of floor space.

Mr. Chappelle asked the days and hours of operation for the proposed business, and Ms. Burkhalter replied that the day care center will be open Monday through Friday, 6:00 a.m. to 6:00 p.m.

Mr. Smith inquired as to the age of the children and if the yard is fenced. The applicant informed that the back yard is fenced and that the center will care for children from two to 12 years of age, with some of the children only staying at the center after school.

Mr. Smith asked the applicant if she has visited with the neighbors concerning the day care center, and she replied that the neighbors are aware of her intent and are supportive of the use.

Mr. Chappelle asked Mr. Linker if the day care center could be approved temporarily to see if the use proved to be compatible with the neighborhood, and he advised that the application should either be approved or denied on the basis of the facts presented.

10.20.88:525(10)

Case No. 14963 (continued)

Protestants: None.

Interested Parties:

One letter of support (Exhibit H-2) was submitted to the Board.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow for a day care center in an RS-3 zoned district; subject to a maximum of 15 children (subject to State of Oklahoma requirements); and subject to days and hours of operation being Monday through Friday, 6:00 a.m. to 6:00 p.m.; finding that the day care center will be compatible with the neighborhood and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 11, Block 53, Valley View Acres III, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14965

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in a RS-2 zoned district.

Variance - Section 440.6(a) - Special Exception Requirements - Use Unit 1209 - Request a variance of the time regulation from one year to permanently.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request a variance to allow two dwellings on one lot of record (1 home, 1 mobile home), located 1524 East 67th Street.

Presentation:

The applicant, Gail Cheramie, 1524 East 67th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit J-3) and photographs, asked permission to place a mobile home on the southeast portion of the five-acre tract. She stated that her son and his wife will occupy the mobile home.

Comments and Questions:

In response to Mr. Chappelle's question, the applicant replied that there are no other mobile homes in the area.

Case No. 14965 (continued)

Protestants:

Mr. Chappelle informed that the Board has received three letters of protest (Exhibit J-1).

E. J. Lee, 1399 East 67th Street, Tulsa, Oklahoma, submitted a petition of opposition (Exhibit J-4), and stated that he lives across the street from the subject property and is opposed to a mobile home being placed in the area. He informed that unsuccessful attempts have been made to sell his home and that a mobile home in the area would further depreciate his property and make it even more difficult to sell.

Paul Bonham stated that he owns the duplex at 6633 and 6635 South Rockford, Tulsa, Oklahoma, and that he is opposed to the mobile home in the residential area.

Frank Oliver, 1525 East 67th Court, Tulsa, Oklahoma, stated that he is opposed to the application because of the adverse affect the mobile home will have on property values in the neighborhood.

Harvey Gaiser, 1528 East 67th Street, Tulsa, Oklahoma, stated that the introduction of a trailer into the neighborhood would depreciate property values and hinder further development in the area.

Leota Morse, 6702 South Rockford Place, Tulsa, Oklahoma, remarked that her property is directly behind the subject tract, and that she is opposed to a mobile home in the area.

Juanita Scott, 1504 East 67th Place, Tulsa, Oklahoma, stated that there are some unsightly properties already in the area and the mobile home would further devalue the homes in the neighborhood.

George Fross, 217 East Duncan, Jenks, Oklahoma, informed that he owns property adjacent to the subject tract and the applicant is not the owner of the property. He stated that the placement of a mobile home in the area would be detrimental to the neighborhood.

Michelle Naken, 1514 East 67th Court, Tulsa, Oklahoma, and Brenda Blotevogel, 1505 East 67th Court, Tulsa, Oklahoma, were in opposition to the application due to the adverse affect the mobile home would have on the neighborhood.

Roland Sikes, 1522 East 67th Place, Tulsa, Oklahoma, stated that he rents in the area and is opposed to the mobile home location.

John Bryant, 1530 East 67th Place South, Tulsa, Oklahoma, pointed out that there are no mobile homes in the area and asked denial of the application.

Case No. 14965 (continued)

Applicant's Rebuttal:

Ms. Cheramie stated that she is attempting to purchase the property in question. She stated that she has asked that the mobile home be allowed to remain on the property indefinitely because her son would have to reapply each year that he continued to remain at this location. Ms. Cheramie stated that she has completely renovated the existing house and it is not her intent to harm the neighborhood in any way.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in a RS-2 zoned district; to **DENY** a **Variance** (Section 440.6(a) - Special Exception Requirements - Use Unit 1209) of the time regulation from one year to permanently; and to **DENY** a **Variance** (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209) to allow two dwellings on one lot of record (one home, one mobile home); finding that the mobile home would not be in harmony with the area, but an intrusion into the residential neighborhood, and that the granting of the requests would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

W/2, SW/4, NE/4, SW/4, Section 6, T-18-N, R-13-E, City Tulsa, Tulsa County, Oklahoma.

Case No. 14966

Action Requested:

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

Variance - Section 440.6(a) - Special Exception Requirements - Use Unit 1209 - Request a variance of the time regulation from one year to permanently, located west of NW/c 28th Street North and North Yorktown Avenue.

Presentation:

The applicant, Bernice Fields, 1852 North Peoria, Tulsa, Oklahoma, stated that she is representing Leon and Dorothy Brown. She informed that Mr. Brown is a construction worker and is in Chandler at this time, but would like permission to place a mobile home on one of his lots when he is working in Tulsa. She stated that Mr. Brown is planning to build a house on one lot and will need the mobile home as a residence during the construction period.

Case No. 14966 (continued)

Comments and Questions:

Mr. Chappelle asked if the new home will be constructed within the next three years, and applicant replied that she does not think he will have it completed in three years. It was noted by Mr. Chappelle that there are no mobile homes in the area and that he would not be supportive of a permanent mobile home installation at this location.

After discussion it was the general consensus of the Board that the permanent location of a mobile home in this area would not be appropriate, but agreed that a specific time period could be considered when Mr. Brown has more definite construction plans.

Mr. Gardner advised that the Board could consider allowing the applicant to file under the same application if he is able to finalize his plans in the next few months.

Board Action:

On **MOTION** of **QUARLES**, the Board voted 3-0-0 (Chappelle, Quarles, Smith, "aye"; no "nays"; no "abstentions"; Bradley, White, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-3 zoned district; and to **DENY** a **Variance** (Section 440.6(a) - Special Exception Requirements - Use Unit 1209) of the time regulation from one year to permanently; finding that a mobile home would not be compatible with the residential area on a permanent basis, but allowing the applicant to return to the Board under Application No. 14966 if plans for construction of a home and temporary location of the mobile is needed within a three month period from this date; on the following described property:

Lot 23, Block 1, Victory Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 14410

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1220 - Request a special exception to allow for a golf driving range, miniature golf course, golf school/learning center, baseball batting cages and related sales and service facilities, located west side of Memorial at 108th Street.

Consideration of amended plot plan.

Case No. 14410 (continued)

Comments and Questions:

Mr. Gardner stated that the applicant has previously been before the Board for amendments to the original plot plan, and noted that subsequent to the last amendment several inquiries have been made concerning the approval of uses on the property in question. He pointed out that notice is not given when these amendments are requested, and in September of 1987 the applicant requested a reduction in lighting from 12 lights 40' tall to 6 lights 40' tall. He stated that it was reported that the existing structure would remain and the parking would be increased along Memorial. Mr. Gardner noted that the original approval allowed 12 lights 25' in height, and there are now six or seven 40' tall lights installed on the property. He stated that requests are being made at this time for additional changes on the property, and the Board needs to determine if notice should be given to the surrounding land property owners.

Presentation:

The applicant, E. A. Schermerhorn, was represented by Lindsay Perkins, 4735 South Atlanta Place, Tulsa, Oklahoma, who stated that the original approval was for 12 light poles 25' high. He informed that he came before the Board again and the number of poles was reduced, but the height was changed to 40'. Mr. Perkins stated that he was told that advertising was not necessary. A plot plan (Exhibit K-1) was submitted.

Comments and Questions:

It was noted by Mr. Quarles, that several amendments to the original plan may make the plan so different that readvertising may eventually be required.

Mr. Perkins stated that today's requests are those that were mentioned in the original presentation.

Mr. Gardner informed that, after a complaint was received concerning the 40' light poles, the original standards were reviewed and it was found that they stated that the poles were to be a maximum of 25' in height.

Mr. Perkins informed that there are 7 light poles on the property that are 40' tall. He noted that his business decided to use the services of a company that is recognized as the industry leader in lighting and the computerized recommendation was for the lights that are in place. He pointed out that a 40' pole that directs downward has less overflow lighting than a 25' pole that is directed toward the houses.

Mr. Gardner stated that he brought this issue to the attention of the Board because surrounding property owners would have had the opportunity to review the changes in the lighting if notice to the public had been given. He advised that the Board can determine if the changes requested today are substantial enough that notice should be required.

Case No. 14410 (continued)

Mr. Chappelle asked the applicant to state the requested changes.

Mr. Perkins stated that he has had no complaints from the neighborhood and explained that he is proposing to cover 14 hitting spaces, which will allow the operation to continue through the winter months. A detail site plan (Exhibit K-2) was submitted, and it was noted that two existing light poles will service the covered area.

Mr. Gardner asked Mr. Perkins if additional lighting will be added, and he replied that there will be no new range lighting, but the new construction will be served by two existing range lights.

Mr. Chappelle stated that he is of the opinion that there is a significant change in the original plot plan application and that the application should be advertised.

It was noted by the applicant that there were no protestants at the original hearing, but two neighbors, Alan Carlton and Tony Solow, did attend the meeting. Mr. Perkins stated that trees have been planted as requested by Mr. Carlton and Mr. Solow.

Mr. Linker advised that legally any major change in the plot plan would require notice.

Ms. Hubbard informed that the proposed structure will be 20' wide, 126' long and will contain 2520 sq. ft. of floor area.

Mr. Quarles remarked that the request may constitute a major change in the plot plan and should be advertised.

Mr. Smith stated that he cannot see that this is a major change in the plan.

Mr. Quarles stated that, in his opinion, a 16' tall structure which is over 100' long is a major change.

There was Board discussion as to the changes in the plan and the large size of the tract.

The applicant stated that time is of the essence because of the impending cold weather and that advertising would cause a substantial delay in the project.

Mr. Taylor informed that the application could be processed and heard at the November 3rd meeting, and discussion followed concerning advertising of the application, and structures that were approved on the original plot plan. Mr. Perkins pointed out that he has not constructed all buildings that were originally approved, and will be put at a competitive disadvantage, with regard to other operators in the area, if required to appear before the Board for every change made on the property. He noted that the batting cages were on the original plan and have not been constructed, along with another building that was approved for the site.

Case No. 14410 (continued)

Mr. Quarles asked if the number of proposed structures is nearing completion, and Mr. Perkins stated that construction is not nearing completion, and that he could return to the Board with a drawing that would depict every structure that will ever be located on the property.

Mr. Quarles stated that he is reconsidering the application, but would like to think that the end result could be recognized as the plan that was originally submitted.

In response to Smith's inquiry as to the nature of the protest, Mr. Gardner replied that the protest came as a result of the Board's approval of changes in the plot plan without notifying the surrounding property owners. He stated that the approval was probably made because the Board was advised that only the number of light poles was being reduced. Mr. Gardner pointed out that the applicant has stated that there will be no additional lights installed and lighting was the concern of the protestant.

Mr. Smith stated that he is not advocating the approval of something that is radically different from the original application.

Mr. Quarles pointed out that the issue before the Board today is the construction of the building and if its erection will significantly change the originally approved concept. He stated that he has no problem with supporting the amended plan if the Board can visualize the covered area as being a part of the original concept.

Mr. Quarles asked the applicant if other buildings are to be built in the immediate future, and Mr. Perkins replied that the only expansion he can visualize in the near future is additional tee hitting areas if more property is acquired and no other buildings are planned. Mr. Quarles stated that he can support the proposed covering for the tees if none of the other buildings that were originally approved are built, and if all future construction, except the batting cages, is advertised to the public.

Mr. Chappelle expressed his support of the proposed construction, but is stated that he believes the application should be advertised.


Board Action:

On **MOTION** of **QUARLES**, the Board voted 2-1-0 (Quarles, Smith, "aye"; Chappelle, "nay"; no "abstentions"; Bradley, White, "absent") to **APPROVE** the **amended** plot plan for a golf driving range, miniature golf course, golf school/learning center, baseball batting cages and related sales and service facilities.

There being no further business, the meeting was adjourned at 2:58 p.m.

Date Approved

11-3-88


Chairman

10.20.88:525(17)

