

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 750
Tuesday, May 26, 1998, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT

Cooper
Dunham
Perkins
Turnbo
White, Chair

MEMBERS ABSENT

STAFF PRESENT

Beach
Stump
Arnold

OTHERS PRESENT

Parnell, Code
Enforcement
Romig, Legal
Department

The notice and agenda of said meeting was posted in the Office of the City Clerk on Friday May 21, 1998, at 11:20 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.

UNFINISHED BUSINESS

Case No. 18015

Action Requested:

Special Exception to operate a flea market in a CS zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 15** located 1823 & 1831 N. Lewis Ave. E.

Presentation:

The applicant, **Larry Beesley**, 1910 N. Lewis Place, stated that they requested a Special Exception on April 28, 1998 and was continued to today. The Special Exception was to allow a flea market in a CS zoned district.

Comments and Questions:

Mr. White asked Mr. Beach if this case has been review by Traffic Engineering. Mr. Beach answered no. Mr. Beach stated that Staff would not normally ask for that review, but he believes that it is important for the applicant to review their plans with Traffic Engineering. Mr. White asked the applicant if he has talked to Traffic Engineering about this. Mr. Beesley answered no. Mr. Beach stated that approval of Traffic Engineering is a specific use condition that the Zoning Code states must be met

in order for a Use Unit 15 to occur in a CS zoned district. The applicant, as part of getting their final zoning clearance permit would have to have satisfied the zoning officer with a letter or agreement with Traffic Engineering.

Mr. White asked Ms. Parnell if Code Enforcement had anything on this. Ms. Parnell answered that Mr. Ballentine got a complaint about the way the items were displayed for sale. It looked like the items were tossed onto the lot. Ms. Parnell stated that the concern is not something the Board could address but she does not believe the use was questioned. There has been a flea market at the location for years.

Mr. Dunham stated to the applicant that Staff Comments stated that they would like to see some screening along the east property line. Mr. Beesley answered that the property has a fence all the way around the lot. Mr. Dunham asked the applicant if it was a screening fence and the applicant answered no.

Mr. Stump stated that since this is a change in use, the screening fence would be required along the east boundary. Mr. Stump stated that it would have to be a 6' screening fence, not a chain link fence or a chain link fence with slats. Mr. Beesley agreed to that condition.

Ms. Turnbo asked the applicant if the items that are supposed to be under the canopy actually under the canopy or are they all over the lot. Mr. Beesley answered that the items are under the canopy except that there are a few tires that are up front.

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** Special Exception to operate a flea market in a CS zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 15** subject to a 6' screening fence being installed along the east property line on the following described property:

Lots 479, 480, 481, Block 37, Tulsa Heights.

Case No. 18025

Action Requested:

Variance of required frontage of 150' to 125' in a CS District to permit a lot split. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 14**, located 101st & Delaware Ave.

Comments and Questions:

Mr. Beach stated that Staff is asking for the continuance. The application is requesting a variance of the required frontage in a CS District to permit a lot split and it is in a PUD. The Planning Commission needs to look at this before the Board takes any action. Staff recommends continuance to June 9, 1998.

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 **CONTINUE** Case No. 18025 to the hearing of June 9, 1998.

Case No. 18026

Action Requested:

Variance of required setback abutting an arterial street of 35' down to 24'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and a Variance to permit expansion of a nonconforming structure. **SECTION 1405A. STRUCTURAL NONCONFORMITIES**, located SE/c E. 30th & S. Lewis.

Presentation:

The applicant, **Dean Nunneley**, 3514 E. 69th Place, stated that the site plan has been updated and the driveway has been changed. Mr. Nunneley is asking for an additional 5'6" on the side of the home.

Comments & Questions:

Mr. White asked the applicant if the only change is the elimination of the Lewis exit and it is all on 30th. Mr. Nunneley answered yes.

Mr. Beach stated that he has a letter from Bill Cyganovich, Lead Engineer, Transportation Design with the City, stating that they concur with the Staff recommendation that there not be a driveway access allowed onto Lewis Ave.

Interested Parties:

None.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-0-0 (Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; Cooper "absent") to **APPROVE** Variance of required setback abutting an arterial street of 35' down to 24'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** and a Variance to permit expansion of a nonconforming structure. **SECTION 1405A. STRUCTURAL NONCONFORMITIES**, per plan submitted on the following described property:

Lot 12, Block 5, South Lewis Park Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, Less and Except the following described tract; beginning at the SE/c of said Lot 12; thence Wly, along the Sly line of said Lot 12 a distance of 33.66'; thence Nly a distance of 171.51' (as field measured) to a point on the Nly line of said Lot 12, said point being 29.96' Wly of the NE/c thereof; thence Ely along the Nly line of said Lot 12, a distance of 29.96' to the NE/c thereof; thence Sly along the Ely line of said Lot 12, a distance of 173.74' to the point of beginning.

Case No. 18030

Action Requested:

Variance to allow two detached accessory buildings to exceed 750 SF, to allow a proposed garage of 576 SF and a workshop of 320 SF. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6** and a Variance of 20% maximum coverage of the required rear yard to allow two detached accessory buildings. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions**, located 1228 S. Florence Ave.

Presentation:

The applicant, **Joseph Rohr**, 1228 S. Florence Ave., stated that he and his neighbor bought the property between them and did a lot split. Mr. Rohr stated that the property between his neighbor and him has storm sewer on it and they are unable to build on it. They had to leave 5' on either side of it. Mr. Rohr is going to tear down the existing garage and build a two car garage and a workshop. The garage and shop were going to be joined together but because of the storm sewer they have to be two separate buildings.

Comments & Questions:

Mr. White asked Staff about the comments on the lot split, does the two detached accessory buildings apply here since one is on the split lot? Mr. Rohr answered that the two lots are joined together. The south half of Lot 6 and Lot 7 are one piece of property. Mr. Stump stated that the only way they could approve the lot split was to have a tie agreement so it couldn't be sold separately and function as a single lot.

Case No. 18030 (continued)

Interested Parties:

None.

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 to allow two detached accessory buildings to exceed 750 SF, to allow a proposed garage of 576 SF and a workshop of 320 SF. **SECTION 210.B. YARDS, Permitted Obstructions in Required Yards – Use Unit 6** and a Variance of 20% maximum coverage of the required rear yard to allow two detached accessory buildings. **SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions**, per plan submitted on the following described property:

S/2 of Lot 6 and all of Lot 7, Block 5, Pilcher Summit Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18040

Action Requested:

Special Exception to permit an emergency and protective shelter in a CH and IM district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS/ SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 2** located SE/c of E. 3rd St. & S. Madison Ave.

Presentation:

The applicant, **Youth Services of Tulsa**, represented by **Jeff Levinson**, stated that Youth Services is a nonprofit United Way agency committed to serving youth in the community including counseling, youth development programs, implementation of the Oklahoma Children's Initiative. The reason they are here today is they operate an emergency shelter for children 12-17 years old. The current shelter is located not too far away at 7th & Rockford. It is owned by the Oklahoma Department of Human Services who has different long term plans for the building and it is not terribly efficient. The new building is near Highway 75 and 4th & Madison. Youth Services is going to consolidate the shelter and offices in one location. Mr. Levinson stated that they are asking for a Special Exception since the area is currently zoned CH and IM. They believe that this exception will be in harmony with the spirit and intent of the Code and would not be injurious to the public welfare but a service to the community. Mr. Levinson stated that the building will be approximately 30,000 SF. Only a third of it will be used as a shelter, the rest will be administrative offices, which is a use by right in this area. The new facility will not be any larger than the other one, just more efficient and better designed to accommodate the clients. Mr. Levinson said that at any one time the shelter will house a maximum of 20 youths. Some people are there for only a

couple of hours, the average stay is a week. It is very rare that anyone is there for over 30 days. The children in the shelter are not sentenced to any detention. This is not a lock up. There is marvelous supervision at the facility. There are always two supervisors there. Most of the people who work there have college degrees, some even with Master's degrees who specialize in family counseling. Mr. Levinson stated that this is a critical program for the community. The new location is perfect because there is no residential use abutting it.

Comments & Questions:

Mr. White asked Mr. Levinson if he has seen the Staff Comments, Mr. Levinson said yes. Mr. White asked how the children come to be in the shelter and is there any risk of escape. Mr. Levinson answered that this is not a detention center. The people are there because they want to be there. The children are not allowed to walk around. Mr. White asked if any of the children have been adjudicated. Mr. Levinson answered no, not to be confined. Many of them have been through different phases of the system. The whole idea of this is to keep people out of DHS through counseling and working with the families.

Interested Parties:

None.

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** Special Exception to permit an emergency and protective shelter in a CH and IM district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS/ SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 2** per plan submitted and subject to the proposed uses .

Comments and Questions:

Bruce Bolzle, stated that he is a member of the Board of Youth Services of Tulsa. Mr. Bolzle mentioned that on the Motion, the Board imposed a condition of "per plan", the plan that was submitted was very preliminary. Mr. Bolzle asked the Board to reconsider their motion to take out the "per plan submitted" language.

Mr. White asked Mr. Bolzle if it was made per conceptual plan, would that work? Mr. Bolzle answered that would be fine but what they were hoping not to get stuck with was the exact location of parking and the exact location of the buildings.

Mr. White stated that there was also a condition of proposed uses on the property. Mr. Bolzle said that the proposed uses will stay the same. Mr. Bolzle stated that one reason for granting this would be that the use represents a third or less of the total use of the site.

Case No. 18040 (continued)

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; no "absent") to **RECONSIDER** Case No. 18040.

On **AMENDED MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to permit an emergency and protective shelter in a CH and IM district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS/ SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS – Use Unit 2** on the following described property:

All of Block 10B, Hodge Addition, City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 18029

Action Requested:

Special Exception to permit RV, boat, auto storage and parking in a CG district.

SECTION 1217. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES SECTION 1223. USE UNIT 23. WAREHOUSING AND WHOLESALING, located 12906 E. 11th St.

Comments and Questions:

Mr. Beach stated that the legal description was not correct on this case and needs to be readvertised. Mr. Stump stated that no continuance is needed, new notice will be sent out. Board should just strike the case.

Board Action:

The item was stricken from the agenda.

Case No. 18045

Action Requested:

Variance to allow two dwelling units on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6**, located 8903 E. 12th St.

Comments and Questions:

Mr. Beach stated that there is some additional relief needed. Staff felt that it would be appropriate if the Board heard the case today. Any approval should also include a continuance for additional relief. Mr. Beach stated that the applicant additionally needs relief for land area per dwelling unit. It is misstated in the Staff Comments as livability space.

Presentation:

The applicant, **Kelly McNew**, 1841 E. 15th St., stated that the lot has two houses located on the property, one house faces south and the other house faces west. Each house has easy access from either 12th St. or 89th E. Ave. Mr. McNew stated that people have lived in both houses. Mr. McNew said he has had the plumbing, electrical and mechanical brought up to code in both houses for safety and dependability. The plumbing contractor, Allied Plumbing, an electrical contractor and a mechanical contractor, were asked to make repairs on both houses in order to bring them up to code. Mr. McNew stated that both houses have been checked and inspected by the City of Tulsa and all repairs have been completed to conform to the respective codes of each department. Mr. Watts, the neighbor across the street from the property, wants to rent the house on the north to him for his handyman to live in. Mr. Watts and his wife are elderly and need someone to help them on a daily basis. The only reason Mr. McNew could not comply with this request is because of the zoning. Mr. McNew stated that houses in this area are built on extra large lots and at one time, when they were served by a septic tank system, it was necessary for large lots to accommodate the proper number of lateral lines. Mr. McNew stated that their two houses are hooked up to one City sewer system which does away with the necessity of such a large lot.

Comments and Questions:

Mr. White asked Mr. McNew if the second building was built as a residence? Mr. McNew said yes, the audience said no. Mr. White posed the question to Mr. McNew again. Mr. McNew stated that it was built to live in. It was already built when Mr. McNew bought the property.

Mr. White asked if the building was plumbed when he bought it. Mr. McNew answered yes, it was plumbed but it was insufficient. It also had electrical and mechanical but it was insufficient and he had it brought up to code.

Interested Parties:

Parties in opposition to Case No. 18045, but not wanting to speak:

Jack Waterfield	8820 E. 16 th St.
Ray Cosby	8705 E. 21 st St.
John E. Cease	8751 E. 17 th St.
Paul G. Foster	8806 E. 17 th
Gil Fallini	8416 E. 19 th

Clayda & Chuch Stand	8925 E. 15th
Sharon Sanford	6712 E. 69th
Sharon Sparks	8921 E. 13 th St.
Eleanor & Dave McCord	8908 E. 13 th St.
Leta Shelton Holtz	8911 E. 12 th St.
Betty Simpson	8510 E. 12 th St.
Frances Anderson	8936 E. 14 th St.
Larry Walker	8909 E. 12 th St.
Susan Smith	1201 S. 89 th E. Ave.
Nancy South	8973 E. 16 th St.

Hank Brent, 8937 E. 15th St., stated that he is President of the Mingo Valley Homeowners' Association and is representing the association. Mr. Brent stated that the association objects to this variance and request the Board to deny it. Mr. Brent pointed out the owner of the property is a profit organization. Mr. Brent stated that there is no hardship at all on the property. The building in back was originally built as a ceramic shop by the previous owners. At the present time there are two adults living in the shop and eight children living in the house. Mr. Brent stated that there is no extra parking for the second building. Mr. Brent feels that the City should not have issued any permits for the mechanical work. If they had checked the zoning, they would have known that they could not have issued permits. Mr. Brent submitted photos and a list of properties that the applicant owns (Exhibit). Mr. Brent stated that the neighbors feel if they allow multifamily dwelling units into their neighborhood their property values will decrease. Mr. Brent stated that he has received many phone calls against this application. Mr. Brent mentioned that 89th St. is the main entrance to their neighborhood and this building is the first thing that you see. It does not make the neighborhood look nice.

Mr. White asked Mr. Brent how long he has lived in the neighborhood. Mr. Brent answered 25 years. Mr. White asked him if the second building was built when he moved in or was it later. Mr. Brent stated that he did not know. Mr. White asked how long the building has been occupied. Mr. Brent stated that he was not sure but believes it has been occupied since last fall.

Darla Harden, 8512 E. 89th St., stated that she is the Vice President of the Mingo Valley Homeowners' Association. Ms. Harden stated that they have over 350 members in their organization. She mentioned that she and her husband bought in the area nine years ago. They bought an acre of land and their intentions are to keep theirs single-family and not make it multifamily dwellings. They are opposed to this application and believe it will hurt their property values.

Mike Cox, 8968 E. 13th St., stated that he has lived there for 17 years. He also owns an acre lot. Mr. Cox stated that since he has lived there he has never known anyone to live in the second building on the property in question. Mr. Cox said that they moved in before Mingo Creek was widened and streets were repaired. Mr. Cox said he bought in this area because it was suburban living in the city. There is very few rental properties in the area. Mr. Cox stated that this has been changed into something that has become financially beneficial to the owner not to the area or the homeowners. Mr. Cox stated that he has been an electrical contractor for 13 years. It is easy to get a permit to do electrical work, etc. Mr. Cox stated that he could heat and plumb his garage but that would not make it a dwelling. Mr. Cox posed the question as to whether the Codes have actually been met. Mr. Cox asked the Board to deny the variance.

Lois Hines, 8337 E. 14th, stated that she and her husband moved into the area to raise their children and grandchildren. Mrs. Hines stated that this area was not meant to be anything but country living in the city. She mentioned that the reason the area did not have City plumbing is because the City did not have anything to do with it. Ms. Hines has lived in the area for forty years and does not want the application approved.

Larry Walls, 8909 E. 12th St., stated that his property adjoins Mr. McNew's property on the east. Mr. Walls mentioned that he was present at the Sheriff's auction when the property was sold. Mr. McNew bought the property and came in and put everything in (plumbing, electrical, mechanical, etc.). Mr. Walls stated that the building was nothing but a workshop, it had one door on the back and no doors on the front. Mr. McNew has come in and added a door to the front to make it look like a house. There is no driveway. Mr. Walls believes that there is piping that runs into the open ditch for drainage for something in the building, he is not sure what. Mr. Walls does not think all of the codes or permits have been met. There are two adults living in the back house and last summer it was hard for them to keep the yard up. Mr. Walls stated that there have been ambulances and fire trucks called to the house several times. Mr. Walls told the Board he did not want this to be a multifamily dwelling.

Susan Smith, 1201 S. 89th E. Ave., stated that she is right across the street from Mr. McNew. Ms. Smith stated that the second building was used as a pottery shop. Ms. Smith said her parents bought the property that she now owns in 1950. She was raised there and her children were raised there. Ms. Smith submitted fire and ambulance reports to the Board and spoke about the manners and living habits of the children and the parents. Ms. Smith is against the application.

Sharon Sparks, 8921 E. 13th St., stated that she is strongly opposed to this application. Ms. Sparks now lives in the house that she grew up in. Ms. Sparks believes that since Mr. McNew came into the area he is not showing proper regard to the neighborhood.

Al Nickels, 8525 E. 16th St., stated that he has lived in the area for 25 years and he is on the Board of Directors for the Mingo Valley Homeowners' Association who represent a large number of homeowners. Mr. Nickels stated that the applicant is an absentee landlord and he is asking the Board to modify the Zoning Code. Mr. Nickels stated the three issues that must be satisfied for granting a variance out of the Citizen's Guide to Zoning. Mr. Nickels stated that this operation is injurious to the neighborhood. The application is not in compliance with the spirit or intent of the zoning code. Mr. Nickels submitted a photo to the Board showing another property in the neighborhood which is also owned by Mr. McNew. The building in the photo was a two car garage when Mr. McNew bought the property and now has been converted into apartments. The applicant does not have any desire to comply with the Zoning Code and he is asking the Board to approve something that he has been doing illegally for some time. There is no hardship on this property. Mr. Nickels asked the Board not to approve the application.

Applicant's Rebuttal:

Mr. McNew stated this dwelling is only used for one family. It is not zoned for multifamily.

Comments and Questions:

Ms. Parnell stated that the property was approved for permits, however they were permits for the mechanical, plumbing and electrical work. Mr. Roger Larkey, who is a supervisor with the Building Inspector's office, admitted that they dropped the ball. Ms. Parnell stated that the inspectors should have caught the mistakes, they were out there when the conversion was being made. The conversion was made within the last year. Mr. White asked Ms. Parnell to explain her statement "they should have caught the mistake". Ms. Parnell replied that they should have caught the conversion itself, it was a use change and in violation of the Zoning Code. Ms. Parnell stated that she called the plumbing, electrical and mechanical companies that did the work and they mentioned the building being converted into a dwelling. She stated that they had to run new water pipes to accommodate the new kitchen and bathroom facility. Mr. McNew stated that it was insufficient. Ms. Parnell repeated her telephone conversation with Mr. McNew, stating that she asked him to explain what was in the building, at the time of purchase, that would be conclusive with furnishings you would find in a home. Ms. Parnell said his reply was kitchen cabinets. There were no kitchen or bathroom facilities, no heat or air, etc.

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** Variance to allow two dwelling units on one lot of record. **SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD – Use Unit 6** on the following described property:

Case No. 18045 (continued)

Beginning 435.85' S and 25' E NW/c NE thence S 200' E 140' N 200' W 140' to the point of beginning less the N 45' of Sec. 12, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18046

Action Requested:

Special Exception to permit a church in an AG district **SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS**, located W of 177th E. Ave., S of Admiral.

Presentation:

The applicant, **Charles Chief Boyd**, represented by Larry Wilhoit, who is a member of the Calvary Pentecostal Church, 14451 E. 445 Road, Claremore. Mr. Wilhoit stated that he is a member of the Board and building committee of the church. The church owns 19 acres and would like to build a church in an AG district.

Comments and Questions:

Mr. White asked Mr. Wilhoit if he has seen the Staff Comments. Mr. Wilhoit answered no. Mr. White stated that Staff was concerned about the screening and landscaping requirements being met and requiring a more detailed master plan. Mr. White asked Mr. Wilhoit if there was one in the works. Mr. Wilhoit answered no, it is being prepared.

Mr. Stump stated that he had met with Mr. Boyd several weeks ago and he was in the process of preparing something.

Mr. Beach mention to the Board that they may want to continue this application to June 9, in order for Mr. Boyd to bring in a site plan.

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 **CONTINUE** Special Exception to permit a church in an AG district on the following described property:

N 1/3 of the E 1/2 of the SW 1/4 of the NE 1/4 and the N 1/3 of the S 1/4 of the NE 1/4, less the tract beginning at the NE/c thereof; then S 225', W 140', N 100', W 50' N 125', E 190' to the point of beginning, all in Section 2, T-19-N, R-14-E, Tulsa County, Oklahoma.

Case No. 18047

Action Requested:

Special Exception to permit a tent revival for 10 days in the years 1998, 1999, 2000. Tent revival to be held only in the months of June, July, August. **SECTION 1202. Use Unit 2. AREA-WIDE SPECIAL EXCEPTION USES** and a Variance of the all weather surface requirement for off-street parking located NW/c Apache & Lewis.

Comments and Questions:

Mr. White asked **Mrs. Pam Smith**, the applicant, if this is the same application that they have had in previous years. She answered yes.

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 permit a tent revival for 10 days in the years 1998, 1999, 2000. Tent revival to be held only in the months of June, July, August. **SECTION 1202. Use Unit 2. AREA-WIDE SPECIAL EXCEPTION USES** and a Variance of the all weather surface requirement for off-street parking subject to Health Department approval; public address system being restricted to the interior of the tent with no outside speakers; and hours of operation 10:30 a.m. to 9:30 p.m., per plan submitted, on the following described property:

NW/c of N Lewis and E. Apache Beg 50' W and 50' N of the SE/c thence W 290', N760', E290', S 760' to the POB less N374', Sec. 19, T-20-N, R-13-E, Tulsa County, Oklahoma

Case No. 18048

Action Requested:

Variance of the required 5' side yard to 4.2'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** and a Variance to allow the expansion of a nonconforming structure (garage), located 3135 S. Rockford.

Presentation:

The applicant, **Keith Franklin**, 3135 S. Rockford Drive, stated that he wants to do an expansion on his house. Mr. Franklin had the property surveyed about six months ago and discovered that his garage does not meet the current setback for side yard. They would like to extend the garage 10' towards the road with the same setback. The expansion will not be any closer to the property line. Mr. Franklin stated that they are on a large lot for RS-3. Mr. Franklin has spoken with neighbors and they do not have a problem with the garage.

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 the required 5' side yard to 4.2'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** and a Variance to allow the expansion of a nonconforming structure (garage), per plan submitted, on the following described property:

Lot 11, Peoria Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18049

Action Requested:

Variance of the required 1,200' from another outdoor sign to 904' to replace an existing sign with a new one. **SECTION 1221.F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs**, located NW/c S. Sheridan & E. Skelly.

Presentation:

The applicant, **Bill Stokely**, 8921 S. 70th E. Ave., stated that the sign in question has been in place for about 14 years. Mr. Stokely would like to go in and make a single pole sign out of the location. The sign is grandfathered in. If there was not another sign within 1,200' they could build a new sign of any kind, but there is another sign which is 894' to the east of this sign. Mr. Stokely stated that they would like to move this sign 10' to the west of where it is currently. At the same time Mr. Stokely would like to move it away from the street to make it conform to the setback now required of 10' from the right-of-way. Mr. Stokely stated that they have not put a back side to the sign in the past because it was difficult to read but by moving this and making it a V-sign, they could utilize the back of the sign.

Comments and Questions:

Mr. Stump stated that from the graphic that was given to Staff they cannot determine where the sign is or proposed to be or where the current sign is. Mr. Stump thought that the sign was in a medium office district which does not allow billboards. Mr. Stokely answered that he thought it was in a CH district. Discussion with Board regarding placement of sign on map not audible. Mr. Dunham mentioned that he thought the sign was in a CS District.

Mr. White stated the Mr. Stokely was going to move the sign up 4' in height and moving it 10' further away. Mr. Dunham mentioned that now he will be more in compliance than he was before.

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** Variance of the required 1,200' from another outdoor sign to 904' to replace an existing sign with a new one. **SECTION 1221.F.2. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, Use Conditions for Outdoor Advertising Signs**, per plan submitted (particularly relating to the language written on the plan) and the sign must remain on the CS zoned property, on the following described property:

A part of the SE/4 of Sec. 22, T-19-N, R-13-E, Tulsa County, Oklahoma, consisting of two tracts described as follows: Tract 1- Commencing at the NE/c of the SE/4 of said Section 22, thence S 00°06'45" E along the E line of said Sec. 22, a distance of 921.81'; thence S 69°74'15" W a distance of 50.0' to the point of beginning of tract No. 1; thence S 00°06'45" E a distance of 50.00'; thence S 89°47'15" W a distance of 150.00'; thence S 00°06'45" E a distance of 330.16'; thence S 48°53'48" W a distance of 31.90'; thence S 89°44'01" W a distance of 1,092.67' to the SW/c of Tract No. 1; thence N 00°08'56" W a distance of 402.07'; thence N 89°47'15" E a distance of 1,267.00' to the point of beginning; containing 10.46 acres, more or less. Tract 2- Beginning at the SW/c of Tract No. 1, thence N 89°44'01" E a distance of 1,092.67'; thence S 48°53'48" W a distance of 1,211.69'; thence S 89°46'44" W a distance of 177.58' thence N 00°08'56" W a distance of 792.23' to the point of beginning, containing 11.55 acres more or less.

Case No. 18050

Action Requested:

Special Exception to permit auto tune up (more than 3 bays) and emission shop in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 17**, located 3015 S. Yale Ave.

Presentation:

The applicant, **Alan Curry**, 5220 E. 20th St., stated that Mr. Webster was unable to attend and he is taking Mr. Webster's place. Mr. Curry is proposing the building of a tune up and emission testing facility. Mr. Curry stated that the property is an old Pemco station that has been abandoned some time in the '70's. The property has since been used as automotive sales. The property is in great disrepair and they look at this as a chance to improve the area.

Comments and Questions:

Mr. Beach stated that he thinks this is a somewhat sensitive site considering its location near residential areas, the Broken Arrow Expressway, and a church. Mr. Beach thinks that it would be appropriate to see a site plan.

Case No. 18050 (continued)

Mr. Curry stated that the lot is approximately 14,000 SF which is almost one-third of an acre.

Mr. Beach stated that with this type of a use, there is potential for a lot of traffic. The ingress and egress would be directly on Yale. There are other issues such as parking that can only be depicted by a site plan.

Mr. Cooper stated that he could not vote positively for this application without seeing a site plan. Mr. Dunham agreed.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-1 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", White "abstentions"; no "absent") to **CONTINUE** Case No. 18050 to the meeting of June 9, 1998 in order for the applicant to present a site plan to the Board.

Case No. 18051

Action Requested:

Variance of the required setback from Admiral from 95' to 50' to allow a 70' high sign of 256 SF. **SECTION 1221.D.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs, SE/c E. Admiral & S. 165th E. Ave.**

Comments and Questions:

Mr. Beach stated that there is no way to get a 70' sign on this property without a variance from this Board. The maximum height would be 50' if the property abutted a freeway, but it does not, so the maximum height would be 40' with an appropriate setback. Approval of this request would have to delete that part of the 70' high sign and restrict him to only 40'. The applicant needs to be aware of that before he begins. If that is appropriate to him, the Board can proceed. Mr. Beach stated to the applicant that if he wants a 70' sign, he will have to give additional notice for more relief to be heard at another meeting or he can agree that 40' is high enough and the Board can hear the case.

Mr. White stated that the request is for the setback only and then the applicant would have to make a separate application for the sign height. Mr. Dunham asked if the notice went out reading "70' high sign" and Mr. Beach answered yes.

Mr. Romig stated that it is certainly a variance for the required setback. Mr. Romig believes that the Board could interpret it so as to hear both cases, the setback and the sign height.

Presentation:

The applicant, **Brian Ward**, 9520 E. 55th Pl., stated that the hardship on this case is the way the land slopes off from the exit ramps of the highway. It slopes dramatically to the south, where the Burger King is being built. The Microtel hotel next door to the Burger King property has a 40' sign and you can't see the sign until you exit the highway. Mr. Ward submitted photos.

Mr. Cooper asked if the QuikTrip was across the street to the north. Mr. Ward answered that the QuikTrip was to the north and the present use of the Burger King property is vacant.

Mr. Ward stated that some of the photos show how the property slopes from north to south.

Mr. White asked Mr. Ward about the crane in the photos. Mr. Ward answered that they put their crane at the 70' height and at the exact location of the sign and took the photographs.

Ms. Perkins asked the applicant what is on the NW/c of the property. Mr. Ward answered Arby's. Ms. Perkins asked if Arby's signs are 40' tall. Mr. Stump answered that they are 50' because the property abuts an expressway. Mr. Stump cautioned the Board that there are lots on the south side of Admiral with the same zoning classification, the same size, as good or better situations for a tall sign. The Zoning Code gives special height to those abutting an expressway, not to the lots near an expressway. To deviate from the Zoning Code and say that signs away from an expressway need to be even taller to be seen from an expressway does open up a huge number of lots that will come in for huge signs.

Comments and Questions:

Mr. Cooper stated that the Board has recently turned down similar proposals on the height. Mr. Cooper asked if shorter height is possible for the applicant. Mr. Ward stated that a shorter height is possible but not desirable.

Mr. White asked Mr. Stump what the conditions for a 50' sign are. Mr. Stump answered that it had to abut the expressway. Mr. Stump stated that if the Board approved a 40' sign, to place it where he wants to place it he would need a Variance of setback because that would be a 65' setback rather than the 50' that he is proposing. Mr. Ward stated that a 65' setback gets into the adjoining driveway between the Microtel and the Burger King.

Mr. Dunham asked if he could have a 40' sign if he sets back 15 more feet. Mr. Beach answered yes.

Mr. White asked Mr. Stump what is the right-of-way width? Mr. Stump answered 100', or 50' from centerline.

Mr. White asked if there were any sign height variances along the south side of QuikTrip or the Arby's. Mr. Stump stated that in this area these are newly developing lots and the motel is the only sign on the south side right now. Mr. Ward agreed. Mr. Stump stated that there was no variance requested on that sign. Mr. Beach stated that the motel came in about a year ago, applied for some relief for their sign, but withdrew the application and built a sign that would comply with the Zoning Code. Mr. White asked how high Microtel's sign is. Mr. Beach answered 40' as long as they setback 1' for each additional foot over 25.

Mr. Stump stated that the 95' setback asked for was calculated using a 70' sign. Mr. Stump stated that the only rationale that he could see for granting the setback would be to keep the higher sign further away from the residential to the south.

Mr. Ward stated that placement of the sign is due to the Microtel directly to the south. If they put their sign at the minimum setback of 25', that blocks the view of his sign.

Mr. Cooper asked the applicant if he was restating his hardship to say that if you put the sign at 25' it would block the sign next to him. Mr. Ward answered yes.

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 **DENY** Variance of the required setback from Admiral from 95' to 50' to allow a 70' high sign of 256 SF. **SECTION 1221.D.1. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, CS District Use Conditions for Business Signs** finding that it does not fit Section 1607C of the Code on the following described property:

A tract of land in Lot 2, Block 1, QuikTrip Commercial Center, an addition to the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows: from the NW/c of Lot 1, Block 4, "Rose Dew Addition", an addition to the City of Tulsa, Tulsa County, Oklahoma; thence 180.11', N89°54'13" W for a point of beginning; thence 290.04' S; thence 188.92', N 89°54'13" W; thence 36.99', N 52°14'22" W; thence a curve with a chord bearing of N 10°8'46" E, chord distance of 43.63', radius of 125.00' and a length of 43.85'; thence, 194.38', N 00°5'47"; thence a curve with chord bearing of N 45°06'00" E, chord distance of 42.42', radius of 30.00', length of 47.12' thence, 180.10', S 89°54'13" E to the point of beginning, containing 1.40 acres, more or less

Case No. 18052

Action Requested:

Special Exception for church use, accessory parking. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** located 1607 Queen St.

Comments and Questions:

Mr. Beach stated that there was a timely request for continuance made by interested parties.

Tommy L. Jones, Jr., 1529 N. College, stated that his father wrote the letter for continuance of the application. Mr. Jones' mother and father are out of town and could not change their schedule. They had a meeting with the other party and at that meeting they were not able to get answers to their questions, that is the reason for the continuance. Mr. Jones stated that there was an informal meeting at the church, at the church's request, the pastor of the church was not there. There were several questions about survey plans, drainage plans, etc., nothing was available for them to look at.

Mr. White asked Mr. Tom Jones if another meeting has been scheduled. Mr. Jones answered no.

Pastor Harold W. Jones, 1609 N. Evanston Place, stated that the meeting was called to see if they could do anything to settle the dispute with the neighbors.

Mr. White asked Pastor Jones if it would be a problem if the Board continued the application to June 9, 1998 for the church to have an opportunity to meet with the opposition. Pastor Jones answered that it would be no problem.

Board Action:

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White, "aye"; no "nays", no "abstentions"; no "absent") **CONTINUE** Case No. 18052 to the meeting of June 9, 1998.

Case No. 18053

Action Requested:

Special Exception to allow an increase of the maximum floor area ratio of .30 to .40. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS.**

Presentation:

The applicant, **James E. Stanton**, represented by **Jack Arnold**, 7318 S. Yale, stated that his offices are adjacent to the property mentioned in the application. Mr. Arnold stated that they are planning to build an office building at 7310 S. Yale. There are two buildings currently together on two acres, 43,000 SF. There is a sloping lot which is

Case No. 18053 (continued)

about 12' in grade. They would like to take advantage of the slope and put a basement underneath. Therefore, that would require a variance from a .3 floor area ratio to a .4. Mr. Arnold stated that if a person were to utilize the entire square footage of the land, even with the variance they are asking for they will only be .22 coverage.

Comments and Questions:

Mr. White asked if there would be any change in the height of the building. Mr. Arnold answered yes.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 5-0-0 (Cooper, Dunham, Perkins, White, "aye"; Turnbo "nays", no "abstentions"; no "absent") to **APPROVE** Special Exception to allow an increase of the maximum floor area ratio of .30 to .40. **SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS** per plan submitted, on the following described property:

N 159.70' W 122.68' & N 5' E 147' L.1 B. 1 Stacy Park, City of Tulsa, Tulsa County, Oklahoma,

Case No. 18054

Action Requested:

Variance of required 5' side yard to 0.9' to allow an existing carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** located 4143 S. Norfolk Ave.

Presentation:

The applicant, **Steve McGinnis**, 4143 S. Norfolk, stated that there is a carport that has been there for 20 years.

Comments and Questions:

Mr. Dunham asked the applicant what the reason was for the application. Mr. McGinnis answered that he has sold the house and they are making it a requirement that the existing carport be approved.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-1 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", White "abstentions"; no "absent") to **APPROVE** Variance of required 5' side yard to 0.9' to allow an existing carport. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** per plan submitted, on the following described property:

Case No. 18054 (continued)

Lots 8 and 9, Block 3, Alta Dena Place, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18055

Action Requested:

Special Exception to permit a mobile home in an RS-3 district. **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS – Use Unit 9** and a Variance of one year time limit. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** located NW/c I-244 & 91st E. Ave.

Presentation:

The applicant, **Roy D. Johnsen**, 201 W. 5th St., Ste. 440, submitted photos (Exhibit K-1) stated that he represents Dan Buford, who is the owner of the property in question. The property in question has some unusual circumstances. Mr. Buford acquired title to the property in 1976 as payment of a debt owed to him. Mr. Buford owns the land which currently has a mobile home on it, but he does not own the mobile home. Since 1976, the mobile home has been on the property and someone has paid him rent on the land. In 1975, the property was brought to the Board of Adjustment seeking a Special Exception for a mobile home and it was granted for one year. Apparently, no application was filed to extend that one year time limit. The mobile home has been there for about 23 years without any subsequent approval. The property sits immediately north of I-244. I-244 is elevated at that point and you have to look down to see the tract. The next street to the west is 89th E. Ave. Mr. Johnsen stated that the present tenant, who has been there for only a year, called and said that there was a tree about to fall over. Mr. Buford sent a crew out to take care of that and he became more aware of the circumstances. Mr. Buford has now found a buyer for the land and the man's intent is to bring in a different mobile home and that has prompted this application. The purchaser made a records check and discovered that a mobile home is not really approved for the property. Mr. Buford's idea is to evict the present tenant, who would be required to remove the mobile home, sell the property to someone who intends to live on the property and will take care of it. Mr. Johnsen stated that under the Code, the Board has the ability to approve the use as a Special Exception and the extension of time, which they would want a permanent approval. Mr. Johnsen stated that he believes that this is a reasonable use for this piece of property. He does not think someone is going to come in and build a stick-built house on this property, given the factors of the expressway, the airport and the age of the homes in the area. Mr. Johnsen pointed out to the Board that there is a mobile home park east of the property. If the Board thinks the application has merit, Mr. Johnsen suggests a conditional approval, which would be conditional upon removal of the existing mobile home, the clean up of the tract including removal of all inoperable vehicles and the subsequent submission to the Board of the particulars of the new mobile home. Mr. Buford is going to clean up the property one way or the other and this seems to be the

best use of the property. Mr. Johnsen stated that the other alternative is to continue the case and meet with the neighborhood and try to satisfy them with the particulars of the mobile home.

Comments and Questions:

Mr. White asked Mr. Johnsen if he had met with any of the interested parties. Mr. Johnsen answered no, he was not aware there were any interested parties.

Interested Parties:

Margaretta Four, 213 N. 89th St., stated that she has lived in the neighborhood for over 47 years. Ms. Four stated that the reason the mobile home has been there for over 21 years is because they were never notified how it came to be. Ms. Four mentioned that the property hasn't always been kept up, the grass has not been mowed in over a year and a half. Ms. Four stated that the mobile home is an old one, the people who live in it are loud and have a lot of inoperable vehicles on the property that does not make it look nice. Ms. Four said the neighborhood is trying to improve itself. There is one neighbor in the area who is completely rebuilding his home. The lots are big, they are all kept looking nice and they like the rural living. The lot in question is on a septic system. Ms. Four stated that if a mobile home is brought into the area it will not solve anything because it will have to have a new septic system put in. Ms. Four stated that people who usually buy mobile homes cannot afford to buy a house. Ms. Four submitted a petition signed by neighbors in the area against the application. Ms. Four stated that the back of her property is the back of the property in question.

Comments and Questions:

Mr. Cooper asked Ms. Four when she first became aware of the mobile home being in violation of the Code. Ms. Four answered that she assumed someone just moved it in there.

Mr. White asked the applicant if she was ever informed that it was in violation of Code, she answered no.

Mr. Cooper stated that a big part of Mr. Johnsen's case is going to be that because the mobile home has been there for 23 years...Ms. Four interrupted by saying that she does not think the mobile home has been there for that many years. Ms. Four said that there was a home there then removed and she said that she owned the property for some time. Ms. Turnbo asked her when she owned the property and Ms. Four answered that she did not know, she has no record. Mr. Cooper asked Ms. Four when the current mobile home on the site was installed. Ms. Four answered that it is the only one that has ever been there, she doesn't think it was that long ago, but maybe 23 years is correct.

Mr. White stated that Mr. Johnsen is willing to meet with the neighbors and to discuss some possible conditions for the property. Mr. White asked Ms. Four if that was acceptable to her. Ms. Four answered that she did not want to see a mobile home in the area. There is a mobile home park down the street and why couldn't they put it there and build a house on the land.

Mr. Cooper stated that the mobile home has been there for 23 years how can she say she wants the area to stay the way it is, residential when the mobile home has been there and that is the way it has been for 23 years. Mr. Cooper wants to know why there hasn't been any concerns expressed before this application was brought to the Board. Mr. Doug Four (Ms. Four's son) answered that the neighborhood has tried to get along with everyone. Mr. Four stated that the mobile home has been an eyesore over the years and he believes that it is commendable that Mr. Buford is wanting to do something about it. Mr. Four mentioned that he thinks that the homeowners are upset because they are just now able to do something about the mobile home. Now they have an opportunity to speak about the mobile home and to do something about it where before, they didn't. In addition, there are mobile homes in the area but they are a tremendous eyesore. Mr. Four stated that there were actions taken when the man renting the property a number of years ago wanted to put horses on the property.

Ms. Turnbo asked Ms. Four if he had seen mobile homes that are skirted and tied down, many look like framed houses. Ms. Turnbo asked if that would be offensive. Ms. Four answered no, if the property was kept up. Ms. Turnbo suggested continuing the case to allow time for Mr. Johnsen to speak with the neighborhood.

Ms. Four asked why a house couldn't be built there. Mr. White answered that economics plays a major role. Mr. Dunham stated that was his concern and he believes that this is a good opportunity to improve a bad situation.

Interested Parties:

Judith Layre, 215 N. 91st E. Ave, stated that she has lived there for 50 years. When they bought their lot, the area was for homes only.

Ms. Perkins asked Ms. Layre if she responded to the notification 23 years ago for the original mobile home to be put on the property. Ms. Layre answered no.

Jose Salvador 212 N. 91st, stated that he lives right next door to the mobile home. Mr. Salvador has lived there for two years. They did not have any problems with the older gentleman who lived there, but the new tenant does not keep up the property and there is a lot of traffic coming in and out of the house. Mr. Salvador does not have any problem with the mobile home being there as long as it is maintained.

Comments and Questions:

Mr. White asked Code Enforcement if there has been any action relative to this property in their department. Ms. Parnell answered not that she was aware of. Ms. Parnell stated that she did not understand why the neighbors did not call Code Enforcement on the junk cars and the weeds, they could have addressed that.

Mr. Four asked if the Board sees fit to allow the mobile home, what rules or conditions will be set down? Mr. White answered that is a reason for meeting with Mr. Johnsen to discuss that and continuing the hearing to another date.

Ms. Four asked the Board if they allow this person to put a mobile home on the property what keeps them from putting mobile homes on other lots and if that happens the property values will go down.

Applicant's Rebuttal:

After hearing the comments from interested parties, Mr. Johnsen asked the Board for a continuance in order to set up a meeting with the neighborhood.

Comments and Questions:

Mr. Cooper asked Mr. Johnsen if the current owner is receiving any income. Mr. Johnsen answered yes, rental income. Mr. Cooper asked if the owner was aware of the mobile home being on the property. Mr. Johnsen answered that Mr. Buford had seen the property a number of years ago and was probably maintained. Mr. Buford does not own the mobile home, he leases out the property.

Board Action:

On **MOTION** of **DUNHAM**, the Board voted 4-1-0 (Dunham, Turnbo, Perkins, White, "aye"; Cooper "nays", no "abstentions"; no "absent") to **CONTINUE** Case No. 18055 to the meeting of June 23, 1998.

Case No. 18056

Action Requested:

Variance of the required 25' rear yard to 17' to permit an addition to an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** located 2102 E. 25th Pl. S.

Presentation:

The applicant, **Don Gasaway**, stated that the property is located at the corner of 25th Pl. and Yorktown across the street from the entrance of Cascia Hall Prep School. Mr. Gasaway stated that he requests a variance to utilize 8' of the 25' setback line to build on an additional room to an existing premises. Mr. Gasaway stated that the area is zoned RS-2 and requires a 75' wide lot. Their lot is only 60'.

Comments and Questions:

Mr. Cooper asked Mr. Gasaway what the hardship is on the property. Mr. Gasaway answered that the size of the lot is the obvious hardship. All of the lots in the RS-2 are 60' and it is impossible to do anything on a 60' lot in an RS-2 zoned district.

Mr. Beach stated that his concern was that the lot was not unique among the other lots in the area. They are all zoned RS-2 and they are all about 60' in size.

Mr. Gasaway stated that there have been several variances granted on 25th Pl. for the same type of thing.

Mr. Cooper asked the applicant how tall the brick wall is in the back. Mr. Gasaway answered that is 3' with a 6' fence on it. There is an 8' easement behind them on 25th St. and is not fenced and is accessible by the utility services.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-1 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", White "abstentions"; no "absent") to **APPROVE** Variance of the required 25' rear yard to 17' to permit an addition to an existing dwelling. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6** per plan submitted, on the following described property:

Lot 10, Block 7, Wildwood, City of Tulsa, Tulsa County, Oklahoma.

Case No. 18057

Action Requested:

Variance of required rear yard from 25' to 15'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** located 2444 E. 33rd St.

Comments and Questions:

Mr. White asked Staff if they have seen the documentation that is referred to in the Staff comments. Mr. Beach answered no, unless this new site plan is different. Mr. Johnsen stated that the site plan is the same, within the legend it has the statistics.

Mr. Beach asked the applicant if it contained information to calculate livability space. Mr. Johnsen answered yes.

Presentation:

The applicant, **Roy D. Johnsen**, 201 W. 5th St., Ste. 440, stated that the proposed resident is for Dr. Loughridge, who is a noted heart surgeon in the community. The builders are Danny Brumble and Rick Dodson, who have acquired the lot in contemplation of a custom home for Dr. Loughridge. These are the plans that he desires. In the lower level, there is 3,042 SF, the upper level 1,505 for a total of 5,547 SF. The garage has 688 SF. The site, less residence, sidewalk, garage, drive and covered porches, the net after deducting those things is 5,145 SF. This property is zoned RS-2 and the minimum livability space in an RS-2 is 5,000 SF. Mr. Johnsen stated that they meet the Code on that issue. Where they run into difficulty is the rear setback where they are requesting 15' instead of the required 25'. Mr. Johnsen stated that the way the house is designed, was to have a side-in garage so no part of the garage is visible from the street. The other concept was, given the length of the lot, was to have more open space along the side. The minimum side yard are 5' and 10' and on this house they are 5' and 15'. On the east wall of the house is a courtyard. The dotted lines on the site plan, within the interior of the roof line, are the walls of the dwelling. Everything outside of that, though under the roof, is a porch area or open area. Mr. Johnsen stated that this design has a number of roofed open space areas, one substantial open space area that is not roofed. The open space of the lot is consistent with the Code. Mr. Johnsen stated that Dr. Loughridge and his wife contacted the neighbors to the immediate west, east and south and advised him that there were no objections to what they are proposing. Mr. Johnsen stated that the house will be more than \$750,000 and it is a design that Dr. Loughridge wants. Mr. Johnsen stated that there is an estate lot to the south of Dr. Loughridge's property and that there are two structures on that lot. The largest one is the main estate and the smaller one (which is closest to Dr. Loughridge's property is a detached garage which is quite large and almost encompasses the entire width of Dr. Loughridge's lot. Mr. Johnsen stated that the back of that garage is solid masonry with no windows or doors. Mr. Johnsen addressed the issue of relevant previous actions cited in the Case Report. There were actually three past actions – two approved and one denied. Mr. Johnsen stated that he researched the denied action and if you read the minutes, it suggests that the principle issue was drainage and there was substantial protest regarding the drainage issue.

Comments and Questions:

Mr. Cooper asked Mr. Johnsen to state the hardship on the property. Mr. Johnsen answered that there are different ideas about what constitutes a hardship. Mr. Johnsen believes that the ordinance itself to some extent creates a hardship. It is drawn for a uniform lot that will never be reviewed again and it does not speak to a creative and unusual design of a proposed house. The other circumstances relating to surrounding properties, it does not impact them, there is no objection here today.

Case No. 18057 (continued)

Ms. Turnbo stated that she believes that it meets the intent of the Code.

Mr. Dunham stated that he is familiar with the lots in this area and he believes what they are proposing is going to be a benefit to the neighborhood.

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** Variance of required rear yard from 25' to 15'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS** per plan submitted, finding the hardship to be the lot and the precedence that has been set, on the following described property:

West 78' of Lot 3, Block 2, Timberlane, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18058

Action Requested:

Special Exception to permit the lighting of an existing outdoor soccer and athletic field according to a lighting plan, lighting specifications and use restrictions approved by the Board. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5** located N side of E. 81st St. E. of Delaware Ave.

Presentation:

The applicant, **Charles E. Norman**, represents Oral Roberts University, stated that the purpose of the application is to authorize the lighting of the existing soccer field on the north side of E. 81st St. and immediately to the east of the fitness center. Mr. Norman has submitted photographs to the Board of several different views of the property. Mr. Norman has also submitted to the Board projected lighting standards and measurements for the field itself. Mr. Norman proceeded to explain the lighted standards set forth in the packet identified as Exhibit N-2. The photos submitted indicate the heavily wooded nature of the east part of the university property at the rear of the residential single family homes. As a practical matter, the lighting will be used mainly in the fall and spring months when early darkness occurs.

Interested Parties:

None.

Comments and Questions:

Mr. White asked Mr. Norman if he has met with any of the neighbors. Mr. Norman responded that they have not had any inquiries. Mr. Dave Robertson, the associate athletic director, met with the neighborhood on another issue and informed them of this

Case No. 18058 (continued)

proposal. Mr. Norman said that his client has no objection to the use of the field being prohibited after 10:30 p.m.

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 permit the lighting of an existing outdoor soccer and athletic field according to a lighting plan, lighting specifications and use restrictions approved by the Board. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5** per plan submitted and with the restriction that there be no lighting after 10:30 p.m. on the following described property:

The E 50' of the S 600' of the W/2 of the W/2 of the SE/4 of Sec. 8, T-18-N, R-13-E, Tulsa County, Oklahoma.

Case No. 18059

Action Requested:

Special Exception to permit the expansion of the library facilities of the School of Law and the addition of a legal information center and related facilities, including study areas, seminar rooms and offices for faculty and administration, pursuant to a site plan approved by the Board. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5** located S side of E. 4th Pl. & S. Florence Ave.

Presentation:

The applicant, **Charles E. Norman**, represents the University of Tulsa, stated that this is an application to expand the law library and to establish a legal information center which is a composite of a great number of electronic equipment for teaching purposes and storage of library and legal materials. Mr. Norman stated that he previously filed with the Board a site plan that shows the location of the building and he presented to the Board today plans that show the elevation and detail floor plans of the three elevations of the building which have been finalized since the filing of the application. This proposal is to add to the building on the south side of the existing law school and on the east side of S. Florence Pl. Mr. Norman stated that this facility has about 31,000 SF of additional building area. The law school in its present configuration and location was approved by the Board in 1971 and several variances were approved with respect to the setbacks from 4th Pl. The new construction conforms to all of the requirements for building setbacks. It does not create any additional parking requirement because parking requirements for the University and other educational facilities are established by the size of the classroom space within the University and the number of dormitory beds. Mr. Norman stated that additions or constructions of a library do not create off-street parking requirements. This facility is one that is

Case No. 18059 (continued)

identified in the Comprehensive Master Plan for the University of Tulsa which is a part of the District 6 Comprehensive Plan and one that is in accord with the Comprehensive Plan for the University of Tulsa.

Interested Parties:

John Worton, 2620 Midlan Drive, Quincy, IL, stated that he owns the house at 4th and Florence. Happened to be in town today and want to come by and listen to the case. Mr. Worton stated that he really did not know what was going on with this project and when the University is doing things that are close to their house, they are interested. Mr. Worton has no real objection but has concern since his house backs up to the law school parking.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; Dunham "absent") to **APPROVE** Special Exception to permit the expansion of the library facilities of the School of Law and the addition of a legal information center and related facilities, including study areas, seminar rooms and offices for faculty and administration, pursuant to a site plan approved by the Board. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5** per plan submitted on the following described property:

All of Block 5, and the included vacated alleyway of College Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 18060

Action Requested:

Special Exception to permit a public bus transit and transfer station and children's nursery and day care facility in an IL district pursuant to a site plan approved by the Board. **SECTION 901. PRINCIPAL USES PERMITTED IN INDUSTRIAL DISTRICTS** and a Variance to reduce the required 75' setback from an RS-2 District to 35' for an office and administrative building. **SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS** located S side of E. 33rd St. W. of S. Memorial Dr.

Comments and Questions:

Charles E. Norman, stated that Kevin Coutant provided him with a copy of his continuance letter last week. This is fine with him.

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 **CONTINUE** Case No. 18060 to the hearing of June 9, 1998.

Case No. 18061

Action Requested:

Special exception to modify the off-street parking and loading requirements resulting in a change of use from commercial to restaurant. **SECTION 1407.C. PARKING, LOADING AND SCREENING NONCONFORMITIES – Use Unit 14** and a Variance to permit required parking to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. GENERAL REQUIREMENTS**, located NE/c of E. 34th St. & S. Peoria Ave.

Comments and Questions:

Mr. Dunham asked Staff about their comments regarding continuance of this case. Mr. Beach stated that there was no site plan provided on this application and sometimes a site plan is the only information Staff has to evaluate a case. Without a site plan there is really nothing for Staff to evaluate and there is not enough time to review a site plan during this meeting. Staff is recommending a continuance. Mr. White asked if Staff has received a site plan as of today. Mr. Beach answered no.

Charles E. Norman stated that the only site plan is a survey of existing parking area that was approved by the Board many years ago. Mr. Norman is prepared to submit a proposal for restriping of the existing parking. This is not a case where Staff could learn any more about the property from the site plan than they could from their field inspections. Mr. Norman asked the Board to not continue the case.

Mr. White asked Mr. Beach, based on the comments Mr. Norman made, would he feel comfortable hearing the case today. Mr. Beach replied that the area is 34th & Peoria, there are a lot of restaurants already in the area and substantial parking problems. Mr. Beach said that he would be interested in seeing a plan showing how the parking problem is going to be solved. Mr. Norman stated that the plan is to use existing parking on an adjacent lot to satisfy the requirements of the Code.

Presentation:

The applicant, **Charles E. Norman**, stated that this application involves property at NW/c of 34th St. & S. Peoria Ave. This structure's previous use was Dunwell Cleaners. Mr. Norman presented photos to the Board of the structure depicting the front and side views from Peoria and several other views to the east side of the property including the additional parking area to the east. The additional parking is proposed for parking to satisfy the requirements for the conversion of the structure of a proposed sushi restaurant. Mr. Norman stated that in his application he made an error by stating that the use of Tract B was nonconforming. That is not correct. It was approved in 1954, by the Board of Adjustment, for off-street parking in a residential zone at a time when the Board had that authorization. This application involves two tracts, the lot that faces east and west on Peoria and Lot 12 that runs north and south on the east side. There is a mutual access easement between the two properties that provides access to the rear of properties to the north. The first exhibit is a survey of the two properties. Tract

A shows 12 parking spaces, however, none of the parking spaces meet the dimensions for off-street parking. Tract B, there are 39 parking spaces located on that property that has been utilized on a shared basis by a number of businesses in the area. Across the street to the south is the converted Brooke Theater with a restaurant. That property was before the Board in two previous applications where the Board granted a variance of the required number of parking to permit the upstairs to be occupied by an exercise club and granted a variance from 19 parking spaces down to 10. Mr. Norman stated that this application is unusual in several aspects. First, the conversion of the building to a restaurant would require 26 parking spaces. Mr. Norman stated that there are 12 parking spaces on the property but they are proposing to restripe and make 8 spaces; two of them handicap and the others will be standard size spaces. The unusual part of Tract B is that it has been divided over the years into a number of different ownership interests. The ownership has been fragmented to such an extent that there are 245 parts in the formula and Mr. Norman's client owns 101/224 of the total property and the remaining interests are shared by a number of other owners. The 101/224 is equal to 45% of Tract B and under 45% of the existing 49 parking spaces is 17.6 and couple with the 12 that were there would equal 29 spaces. If you reduce it to 8 as it should be it would be 26. If you restripe it and produce 44 then their ownership interest in the 44 spaces would be 19.8% or 20 spaces. This does not require a variance because under the Code, nonconforming properties as to parking can be granted relief on a practical basis where the nonconformity is not being increased and where the change in use would not be detrimental to the other properties in the neighborhood. In this block there are a number of restaurants that have utilized the various parking resources in the area over a period of years. The Dunwell Cleaners owned only 10/224 of this parking and Mr. Norman's client acquired from another owner who did not own any property in this block. Mr. Norman stated that the can comply and conform with the requirements for a restaurant by approaching it in this manner on the 45% ownership interest. Mr. Norman suggested that approval be subject to a tie agreement that the 45% interest owned by his client in Tract B not be sold or conveyed separate and apart from Tract A so that you can be assured that these spaces would remain as part of the ownership of the building where the restaurant is located. Mr. Norman stated that he looked in the records of the Board of Adjustment and atlases and could not find any cases where the other ownership interest in Tract B have been allocated to specific uses within the block. Mr. Norman does not think that this is double dipping or claiming the same parking space two or three times.

Comments and Questions:

Mr. Cooper asked Mr. Norman is there another site that the owner of the 45% of the parking spaces is having to provide parking for. Mr. Norman stated that his client does not own any other properties in that block and has not utilized any of these spaces to support any other use. Mr. Norman mentioned that it has taken a great deal of title work to ascertain the ownerships most of which occurred long before the Code was changed to require off-street parking in the Brookside area.

Interested Parties:

Dave Bagwell, 1337 E. 32nd Pl., stated that he is a resident in the Brookside area and a member of Southminster Presbyterian Church where he is President of the church corporation and also responsible for some of the church property that the church owns which includes a parking lot at 35th & Peoria. Mr. Bagwell stated that he has lived in Brookside all of his life and is acutely aware of the growing parking problem in the area which is exacerbated by the restaurant situation. The restaurants, over the years, have made a bad parking situation even worse. Mr. Bagwell wants to know how the applicant can go from a dry cleaning shop, with relatively low parking, to a sushi bar, with a high parking demand. Mr. Bagwell stated that he is aware of the parking situation on the two tracts Mr. Norman mentioned and he hopes that the Board is aware of those parking lots and can envision tomorrow, what it will look like. Mr. Bagwell also mentioned to the Board that he has seen no reference to loading requirements.

Mr. White asked Mr. Bagwell if the church parking lot is used by the bar. Mr. Bagwell answered yes, it is used by the church, by the bar patrons and other patrons, such as the frame shop. All of those people have parking privileges in that area.

Mr. Cooper asked Mr. Bagwell if he was speaking on behalf of himself or on behalf of the church. Mr. Bagwell answered primarily on behalf of the church but also as a resident of the Brookside area.

Nancy Apgar, 3914 S. Norfolk, stated that she is Vice President of the Brookside Neighborhood Association. Ms. Apgar mentioned that when she got the notice on this application she talked to Pam Deatheridge, who was District 6 planning chair. Ms. Apgar stated that she did not hear anything from the Association, who is usually very active. Two years ago, cul-de-sacs were included within the plan for the Brookside area and one was included for this street. Ms. Apgar stated that in the neighborhood meeting pertaining to the cul-de-sacs, no one wanted them. Ms. Apgar has looked at the property and feels that with the combined spaces the parking will not be a problem and she is interested in seeing nice restaurants in the Brookside area.

Jack Doherty, 7335 S. Lewis, Ste. 306, stated that he represents Brookside-By-Day which is a restaurant in the Brookside area. The parking lot (Tract B) is behind his client's restaurant. Mr. Doherty is not sure if his clients object or not because he and his clients have not seen the latest documents that have been furnished today. Mr. Doherty's clients concern is that they have sufficient parking to support the customer base that they have worked so hard to acquire. A large problem is the loading requirements. Mr. Doherty does not believe the applicant owns the parking in Tract B and is concerned about the striping and asked for a continuance to June 23 in order to obtain a site plan to review.

Ms. Turnbo gave Mr. Doherty a copy of the site plan submitted by Mr. Norman.

Mr. Cooper asked Mr. Doherty if the striping plan were approved by the other 55% of the owners of Tract B would there still be a concern. Mr. Doherty answered that there would still be a concern about the parking and whether the existing business would be affected and possibly lose some business. Mr. Cooper asked Mr. Doherty if he is requesting a continuance and Mr. Doherty answered yes.

Richard Beevy, stated that he is an attorney representing one of the owners of the shares of Tract B. Mr. Beevy stated that he has come with little knowledge and requests a continuance for time to review a site plan and striping plan.

Applicant's Rebuttal:

Mr. Norman stated that the application is to satisfy the requirements of the Code with respect to the conversion. If the parking area is left as is, with 39 parking spaces, they would still have 25 or 26 spaces and under the exception it could be approved without the requirement that it be restriped. If it is restriped to the 44 then they would have 20 out of the 44 and that would be their 45% ownership. Mr. Norman stated that the owner of Brookside-by-Day actually owns 31 of 224 units. This does not affect their ownership in any way. S&J ownership is 30 of 224 units. Mr. Norman asked the Board to approve the application today under the existing conditions that would meet the requirements of the Code based on their ownership and approve the restriping plan contingent upon them getting approval of the required ownership. Mr. Norman stated that there are no documents of any kind that relate to any operating procedures. The lot is not in good condition because no one has taken that responsibility.

Ms. Turnbo asked Mr. Norman if the owner of Tract A has given any spaces to any other user. Mr. Norman said he has not.

Mr. White asked the applicant about the loading requirements. Mr. Norman answered he did not believe there were any requirements if the building is less than 5,000 SF. Mr. Beach answered that Mr. Norman was correct.

Mr. Cooper asked Mr. Norman if the Board were inclined to approve this request, what would the per plan stipulation do to you? Mr. Norman answered that he didn't want to be limited if they could not come to an agreement on the sharing of the cost of the restriping.

Ms. Turnbo mentioned tying the tracts together. Mr. Norman agreed saying a tie agreement prohibiting the sale of the undivided fractional interest in Tract B separate and apart from Tract A so there will be permanent assurances that the parking will go with the use.

Ms. Parnell stated that there are a couple of uses in the area that have illegal expansions that the City is looking into at this time and they are taking up parking that they are not necessarily able to use.

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 modify the off-street parking and loading requirements resulting in a change of use from commercial to restaurant. **SECTION 1407.C. PARKING, LOADING AND SCREENING NONCONFORMITIES – Use Unit 14** and a Variance to permit required parking to be located on a lot other than the lot containing the principal use. **SECTION 1301.D. GENERAL REQUIREMENTS**, subject to a tie agreement tying the owners' 45% interest Tract B to Tract A on the following described property:

The S 42.3' of Lot 1, Block 1, Oliver's Addition to the City of Tulsa, Tulsa County, Oklahoma and Lot 12, Block 1, Oliver's Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 18063

Action Requested:

Special Exception to allow a mini-storage in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16**, located 202 S. 193rd E. Ave.

Presentation:

The applicant, **Jerry Ledford, Sr.**, 8209 E. 63rd Pl. S., stated that he has requested a Special Exception to allow a mini-storage in a CS district. Mr. Ledford stated that this tract is within a CS tract and there is a trailer park to the west of the tract and that is also in a CS zoning and to the south is a tract that is 75' wide that allows access to the trailer park which is also CS. There is also a tract south of the panhandle for the trailer park that is 153' that abutts a single family residential. The single family is actually 225' south of the south property line of this tract, they are not really abutting a residential tract.

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 mini-storage in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16** per plan submitted.

On **AMENDED 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 mini-storage in a CS district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 16** to allow mini-storage in a CS district on the following described property:

Case No. 18063 (continued)

A part of Lot 2, Block 1, of the Amended Plat of Rolling Hills Center Addition, an Addition in Tulsa County, State of Oklahoma, more particularly described as follows: to-wit: Beginning at a point 153.00' N of the SE/c of said Lot 2, Block 1; thence N 89°50.9031' W 281.15'; thence due N for 530.00'; thence S 89°50.9031' E for 106.15'; thence due S for 150.00'; thence S 89°50.9031'; E for 175.00'; thence due S for 380.00' to the POB; less and except the S 75' thereof.

Case No. 18064

Action Requested:

Variance to remove landscaping requirements from a parking lot at the rear of a building. **SECTION 1002.B. LANDSCAPE REQUIREMENTS, Parking Area Requirements and SECTION 1002.C. LANDSCAPE REQUIREMENTS, Tree Requirements – Use Unit 11/22**, located 10226 E. 47th Pl.

Presentation:

The applicant, **Darrell D. Crowl**, 10324 E. 47th Pl., stated that he owns a business at 10324 E. 47th Pl. The map he submitted to the Board outlines all the property he owns on the block. The property is adjacent to Highway 169 on the east and 47th dead ends at the corner of his property. Mr. Crowl stated that he has been through the building permit process and the only holdup has been the landscaping requirement for a parking lot. Ms. Turnbo interrupted Mr. Crowl and stated that she thought the Board was ready for a Motion.

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 to remove landscaping requirements from a parking lot at the rear of a building. **SECTION 1002.B. LANDSCAPE REQUIREMENTS, Parking Area Requirements and SECTION 1002.C. LANDSCAPE REQUIREMENTS, Tree Requirements – Use Unit 11/22**, on the following described property:

Alsuma, Lots 1-6, Block 31, and 25' of adjacent vacated ROW of S. 104th E. Ave.

OTHER BUSINESS

On **MOTION** of **TURNBO**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **ELECT** David White – Chairman and Monte Dunham – Vice Chairman.

On **MOTION** of **COOPER**, the Board voted 5-0-0 (Cooper, Dunham, Turnbo, Perkins, White "aye"; no "nays", no "abstentions"; no "absent") to **ELECT** Norma Turnbo – Secretary.

There being no further business, the meeting was adjourned at 4:40 p.m.

Date approved: 6-23-98


Vice Chair