

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 752
Tuesday, June 23, 1998, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
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Cooper
Dunham
Perkins
Turnbo

White

Arnold
Beach
Stump

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

The notice and agenda of said meeting was posted in the Office of the City Clerk on Monday June 22, 1998, at 9:42 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On **MOTION** of **PERKINS**, the Board voted 4-0 (Cooper, Dunham, Perkins, Turnbo, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** the Minutes of May 26, 1998 (No. 750).

UNFINISHED BUSINESS

Case No. 18050

Action Requested:

Special Exception to permit auto tune up and emissions shop in a CS district.

Comments and Questions:

Mr. Beach stated that this application was withdrawn by the applicant.

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 the one year time limit. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**, located NW/c I-244 & 91st E. Ave.

Comments and Questions:

Mr. Beach stated that this case was previously continued to allow the applicant and the protestors time to get together and discuss the case.

Presentation:

The applicant, **Roy D. Johnsen**, 201 W. 5th St., Ste. 440, represents Dan Buford who is the owner of the property in question. Based on the discussion in the last hearing they thought it might be productive to meet with the objecting neighbors. However, when they attempted to do that we were advised that they chose not to meet and remain resolute in their objection to the proposed use of the property. Mr. Johnsen stated that the property is situated adjacent to I-244 at the end of a residential street (91st E. Ave.). That subdivision was platted in the mid to late '40s and I-244 was constructed sometime in the mid 1960's and left this residual tract, which is not a full lot. In 1975, the then owner of the property brought an application before the Board seeking mobile home use of the property, which was approved but was approved with a one year limitation. Mr. Buford took the property as payment of a debt, it then had an existing mobile home on it and it has been there continuously since 1975. From what they have gathered, no one was aware of the one year time limit on the mobile home. No one in the neighborhood complained until recently. Mr. Johnsen stated that Mr. Buford does not own the mobile home, he only owns the land. The tenant owns the actual mobile home. Until the last year or two, the owner of the mobile home has been the same for the last fifteen years and that owner moved and sold the mobile home and the new occupant has not maintained the property in a proper condition. Nonetheless, they are in a difficult dilemma with a piece of property that is going to be extremely difficult to use for conventional dwellings. There are neighbors that are objecting to the poor upkeep of the property and he believes some of them are just flat against mobile homes. They are trying to upgrade the property. The proposal is set out in use conditions (Exhibit A-1) if the Board is inclined to grant relief. Mr. Johnsen proposes physical removal of the existing mobile home and all inoperable vehicles and trash within 60 days. Any mobile home brought onto the property shall be not less than 14 feet in width and 70 feet in length, shall be skirted and shall have been manufactured not earlier than 1990. The driveway and parking areas shall be hard surfaced and a site plan and elevation plan shall be submitted to the Board for determination of compliance with the above set forth requirements and standards.

Interested Parties:

Byron Todd, stated that he is an attorney and he represents ten property owners surrounding the property in the application. Mr. Todd submitted a letter to the Board (Exhibit A-2). Mr. Todd stated that he is glad to learn that Mr. Buford does not own the mobile home. Mr. Todd mentioned that it has been a maintenance problem for several years. Mr. Todd stated that the neighborhood was ignorant as to their rights pertaining to removal of the mobile home. There are no rental properties in the immediate area. The neighborhood is taking more interest in their properties and the neighborhood. Since the neighborhood has learned their rights, they have contacted Code Enforcement to get the debris cleaned up. Mr. Todd stated that a mobile home is incompatible with the present zoning. A lot of people feel that it diminishes the value of the neighborhood to allow a mobile home. A mobile home is incompatible with the restrictive covenants of Moses Subdivision. A copy of the restrictive covenants is attached to the letter Mr. Todd submitted to the Board. Mr. Todd stated that Moses Subdivision is in the area that the airport authority is trying to resolve. They are giving the homeowners three options (1) they will help the homeowner sell their home; (2) they will pay to make a home soundproof and (3) compensate for the lower value if a home is sold. Mr. Todd faulted Mr. Buford for not knowing what he purchased. Mr. Todd stated that if Mr. Buford got help from the airport authority, they could build a stick built home and make it a compatible residence for the neighborhood. The people who are objecting to this application are just like any others who live in a stick built neighborhood and do not want a mobile home in the area. Mr. Todd is asking the Board to deny the application. Mr. Todd stated that it would better benefit the ten property owners that he represents to deny it than to approve it and only benefit one person. Mr. Todd is asking the Board to deny the application.

Comments and Questions:

Ms. Turnbo stated that this Board does not have anything to do with covenants. Mr. Todd stated that he is aware of that and he just wanted to bring it to the Board's attention. Ms. Turnbo pointed out that in the covenants of Moses Subdivision it states that a house shall not be built that is less than 800 SF. She believes that this mobile home will be over 900 SF so it may even be larger than some of the houses in the area.

Doug Four, stated that he is the son of Margaretta Four, 231 N. 89th E. Ave. Mr. Four stated that unfortunately this has been there since 1975. Mr. Four wants the property cleaned up, remove the vehicles and the mobile home. They do not want a mobile home there because in another twenty or twenty-five years they will be back in the same situation that they are in today, except it will now be a permanent situation.

Margaretta Four, stated that she has lived in this neighborhood since 1955. She stated that she has really learned a lesson about how a mobile home can deteriorate a neighborhood. Ms. Four stated that they are now trying to rebuild the neighborhood and the mobile home will only be a bad influence on it. The reason that they did not

work on the upkeep of the neighborhood many years before is because they kept hearing that the airport was going to buy them out. Ms. Four believes that the mobile home will hurt their property values.

Joyce Parrish, stated that Julia Blair is her mother. Ms. Blair resides at 15 N. 91st E. Ave. Ms. Parrish stated that her family built that home in 1946. Ms. Parrish stated that she has lived in that area for many years. There are many newcomers coming into the area and are rebuilding the homes. The mobile home would only make matters worse.

Julia Blair, stated that she has lived in the area for 50 years. She stated that the area is zoned for homes only and she is against allowing the mobile home in the area.

Applicant's Rebuttal:

Mr. Johnsen stated that covenants are not relevant to zoning proceedings, they are a matter of private contractual rights. Mr. Johnsen still perceives that the main concern is how properties are maintained and taken care of. Mr. Johnsen stated that you can have a stick built house and it can be junky and have inoperable vehicles on it and it would not be a benefit to the neighborhood. This is an older subdivision; the expressway bisected it, even divided the subject property. It is irregular in shape. There is slim to none probability that anyone would come in and want to construct a stick built house on this lot. The choices come down to, do you end up with a productive use for this property and can it be done in a way that is compatible with the neighborhood and will not deteriorate property values or interfere with the neighborhood or does it stay vacant or in a dilapidated state? Mr. Johnsen stated that they brought this application as soon as they became aware that the zoning was not in place for the existing use. The owner decided to present this to the Board and find out where they are on it. Mr. Johnsen stated that he tried to give the conditions that don't remove the possibility of a poor owner, but are the kinds of standards that speak to the better quality and the better quality usually has a higher maintenance level. There is an expense to that. The present mobile home is not a 12 foot wide or 50 feet long. It is an extremely small building and has been there a long time. Mr. Johnsen believes that they are trying to improve the situation. He does not believe the neighborhood will be damaged. Mobile homes are not foreign to this neighborhood. To the east is a very large mobile home park. Mr. Johnsen asked the Board to approve the application.

Comments and Questions:

Mr. Cooper asked Mr. Johnsen how long the current owner has owned this property. Mr. Johnsen answered that Mr. Buford has owned the property since 1976. Mr. Johnsen stated that the property was taken in as payment of a debt, the use was there, he rents the land. Mr. Buford does not own the mobile home. Until the last year and a half there have been no complaints. Mr. Johnsen does not believe that this neighborhood has been hurt in the last 25 years.

Ms. Turnbo stated that this is a unique piece of property because it abuts I-244 and it is not in the middle of the neighborhood. Ms. Turnbo believes that because of the expressway and the airport nobody would want to build a stick home there. With the use conditions, it will be a great improvement over what is there now.

Mr. Cooper stated that he thinks about the various cases that come before the Board that are similar to this in which there are mobile homes that come into an established neighborhood. One of the questions the Board always poses is are there other mobile homes in the neighborhood that would help them to justify that this is acceptable. Mr. Cooper does have a concern about allowing a mobile home into this neighborhood even though Mr. Buford would have a very nice mobile home. The fact that there is a mobile home park in the area leads him to believe that there are other options in the area. The only mitigating circumstance that he can see that differs this case from numerous others is the fact that this mobile home has been there since 1975. Mr. Cooper stated that since the neighbors have shown opposition to the mobile home he will have trouble showing support for the application.

Ms. Turnbo stated that this property is going to be hard to build anything on. She has been on the Board for five years and they have approved mobile homes in circumstances where there have been none. Ms. Turnbo stated that if the mobile home was in the middle of the subdivision she could not approve it.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-1-0 (Dunham, Turnbo, Perkins, "aye"; Cooper "nays", no "abstentions"; White "absent") to **APPROVE** 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 the one year time limit. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS** with the following use conditions: (1) within 60 days the existing mobile home is to be removed; (2) within 60 days all inoperative vehicles, trash and debris shall be removed; (3) any mobile home subsequently located on the property shall meet the following standards: [a] the mobile home shall not be less than 14' in width and 70' in length; [b] the mobile home shall be skirted; [c] the mobile home shall have been manufactured not earlier than 1990; (4) driveway and parking areas shall be hard surfaced; (5) a site plan and elevations shall be submitted to the Board for determination of compliance with the above set forth requirements and standards, on the following described property:

Lot 8, Block 1, Moses Subdivision, less and except a portion being more particularly described as follows, to-wit: Beginning at the SE/c of said Lot; thence N 48'; thence S 72°36'27" W 172.19' to the S line of said Lot 8; thence E 165.37' to the point of beginning. The property herein abstracted lies wholly within and constitutes a part of the SW/4 of the SW/4 of the SE/4 of Section 36, T-19-N, R-13-E, Tulsa County, Oklahoma.

Case No. 18076

Action Requested:

Variance of 150' of frontage in a CS District to 100' to allow a lot split. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 14**, located 9202 E. 41st St.

Presentation:

The applicant, **Ronald G. Tracy**, submitted a site plan (Exhibit B-1) and stated that he represents the architect of record on this project who is working with Econo Lube. Mr. Tracy stated that when he was here on June 9, 1998 the question was about access, ingress and egress along 41st Street. He has now prepared a drawing showing where the creek is and where the one hundred year flood zone is and where Flood Zone B is and how little property there is left to develop. They are proposing a shared driveway to allow access onto the property to the east.

Comments & Questions:

Mr. Dunham asked how much distance is there between the east property line of the proposed lot and Flood Zone B? Mr. Tracy answered that it looks like about 120 feet.

Mr. Stump stated that the City does not regulate to Flood Zone B, it only regulates to Flood Zone A. The area between A and B is called the Flood Fringe, some people call it the 500 year flood. Mr. Stump stated that it is a buildable area.

Ms. Perkins asked about proposed future lots. Mr. Tracy answered that he did not know when the owner of the rest of the property was going to develop it, he worked for the buyer.

Mr. Beach stated the reason for the continuance was to find out what the owner had in mind for the remainder of the land. The Board needed to see a site plan of the rest of the development in order to justify this size of a lot. Mr. Beach stated that the new site plan doesn't show anything different from the last one except the flood zone areas.

Mr. Cooper asked Mr. Tracy if it was his contention that the fact that Flood Zone B is so close that the lot is not going to be used, that it is in essence going to be dedicated to the Econo Lube site? Mr. Tracy answered that what he is trying to show is that a person could build something about the same size as Econo Lube or small business. Mr. Cooper stated that it seems like they need some help from the existing landowner that they are not getting. Mr. Cooper stated that they are going back to the discussion that they had two weeks ago and they are not getting anywhere with this application. Mr. Tracy stated that he is not authorized to develop the owner's property.

Mr. Dunham said that technically you could probably put two other 100' lots in there if one chose to.

Case No. 18076 (continued)

Ms. Perkins stated that her concern is that the Board did not receive what they had asked for from the last meeting. Mr. Dunham agreed and stated that he believes that this is a situation where Econo Lube just wants a 100' lot and they haven't addressed how they are going to develop the rest of the property.

Interested Parties:

None.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", no "abstentions"; White "absent") to **DENY** Variance of 150' of frontage in a CS District to 100' to allow a lot split. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS – Use Unit 14** on the following described property:

Part of Lot 1, Block 7, Alexander Trust Addition Amended, and addition to the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows: Commencing at a found 3/8" iron pin at the NW/c of said Lot 1, thence due E along the N line of Lot 1, a distance of 273.83' to a set 3/8" iron pin, being the point of beginning thence due E along the N line of Lot 1 a distance of 100.00' to a set 3/8" iron pin; thence due S a distance of 200.00' to a set 3/8" iron pin; thence due W a distance of 87.48' to an "X" chiseled in concrete; thence N 67°10'20" W parallel with the S line of said Lot 1, Block 7, a distance of 13.59' to an "X" chiseled in concrete; thence Due N a distance of 194.73' to the point of beginning containing 19967.005 SF or 0.458 acres more or less.

Case No. 18078

Action Requested:

Variance of setback requirement from 100' to 78' from centerline of E. 21st St. and from 100' to 80' from centerline of S. Lewis Ave. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** and a Variance to permit use of Lots 16 and 17 for required off-street parking for commercial use on Lots 18, 19 and 20 **SECTION 1301. GENERAL REQUIREMENTS** and an appeal decision of Kurt Ackerman, Zoning Official, regarding current zoning classification of Lot 18 and request interpretation of Zoning Map **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL, SECTION 1606. INTERPRETATION, AND SECTION 1607. VARIANCES**, located NW/c E. 21st St. & S. Lewis Ave.

Comments and Questions:

Mr. Beach stated that Staff and Mr. Coutant have agreed to present this back to the Board. At the last meeting the Board heard an appeal from the decision of the Zoning Officer that the subject lot was zoned OL. Mr. Coutant alleged that it was zoned CS, the Board found in favor of the Zoning Officer and determined it to be zoned OL. But since that time there has been some additional information that has come to light.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-0-1 (Dunham, Turnbo, Perkins, "aye"; no "nays", Cooper "abstentions"; White "absent") to **RECONSIDER** the appeal decision of Kurt Ackerman, Zoning Official, regarding current zoning classification of Lot 18 and request interpretation of Zoning Map **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL, SECTION 1606. INTERPRETATION, AND SECTION 1607. VARIANCES**

Mr. Coutant submitted a packet of information to the Board (Exhibit C-1). Mr. Stump stated that he has the additional information concerning the case. Mr. Stump stated that upon further investigation, Staff came upon a very old zoning book and the copies from that book are in the Board packets. What they determined from the 1923 Zoning Ordinance, which was the first comprehensive zoning for the City of Tulsa, it was a U-3 zoning and the map clearly showed that a 150'x150' or three lots east and west dimension was in the U-3 zoning. Staff went back to see if they could find any subsequent changes in zoning and what they found was that there was no additional action on that parcel until the comprehensive rezoning done in 1957, which changed it to U-3-C (the C is for commercial). The comprehensive rezoning in 1970 changed it to CS, both of those were initiated by the Tulsa Metropolitan Area Planning Commission and were just area wide remapping and rezoning. Mr. Stump believes what happened was at some point in time when they did the comprehensive mapping, which is what Staff used as their source, the line appeared to slide to the east somewhat, but there was never any intent to change the zoning from the commercial zoning that was originally imposed in 1923. Staff is reversing their recommendation with the new evidence presented and recommend that the Board find that Lots 18, 19 and 20 are zoned CS.

Mr. Dunham stated that he thinks the recommendation from the last meeting was that if they found that to be the case, the property to be zoned CS, then they would not need to take action on the variances. Mr. Stump stated that was correct. They have some comments on the draft site plan but that is all.

Interested Parties:

None.

Comments and Questions:

Mr. Stump stated that he needed to clarify something for the Building Inspector's Office. The variance of setback should include a variance of the setback of parking, which normally has to be out of the planned right-of-way and this is in the planned right-of-way. It would be a lesser setback for the parking. That would only be setback 35' from the centerline of 21st Street and 40' from the centerline of Lewis. Mr. Stump stated that he does not know if that requires additional notice, but both of the parking areas are in the planned right-of-way and would be normally prohibited. If the Board and City Legal feel that there is enough notice Staff does not have any problem with it.

Mr. Dunham asked Mr. Stump if by approving the two variances, what action are they officially taking to approve the zoning. Mr. Stump stated that they would have to make a determination that they would be overturning the interpretation.

Mr. Dunham mentioned to Ms. Perkins that in her motion she needed to include that the Board overturns the decision of the Zoning Officer.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 3-0-1 (Dunham, Turnbo, Perkins, "aye"; no "nays", Cooper "abstentions"; White "absent") to **APPROVE** Variance of setback requirement from 100' to 78' from centerline of E. 21st St. and from 100' to 80' from centerline of S. Lewis Ave. **SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS** and a Variance to permit use of Lots 16 and 17 for required off-street parking for commercial use on Lots 18, 19 and 20 **SECTION 1301. GENERAL REQUIREMENTS** and **OVERRIDE** the decision of Kurt Ackerman, Zoning Official, regarding current zoning classification of Lot 18 and request interpretation of Zoning Map **SECTION 1605. APPEALS FROM AN ADMINISTRATIVE OFFICIAL, SECTION 1606. INTERPRETATION, AND SECTION 1607. VARIANCES** and find that Lot 18 is zoned CS-Commercial, on the following described property:

Lots 16, 17, 18, 19 and 20, Block 11, Woodward Park, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

Case No. 17917

Action Requested:

Special Exception to allow a manufactured home in an AG zoned district. **SECTION 301. PRINCIPAL USES PERMITTED IN AGRICULTURE DISTRICTS** and a Variance of the one year time limitation to permanent **SECTION 404.E.1. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** located 2525 E. 54th St. N.

Comments & Questions:

Mr. Beach stated that the applicant is not present. Mr. Beach said that the Board is hearing this case again because there was an error made in the original notice. The mailing to the property owners within 300', as required by statute, was made based on a case map prepared in INCOG offices that depicted the property in the wrong location. In other words, the wrong people were notified originally. There were no protestants that appeared at the previous hearing. The Board approved the mobile home on this property. However, in the last couple of weeks, Staff has had some neighbors call and say that they never received notice on the hearing and had they received it, they would have protested. Staff did some research and found the error and have since sent out new notice and are asking the Board to hear the case again. The applicant has since moved into the new mobile home, that was approved previously, but her phone number is unlisted. Mr. Beach stated that he is unable to contact her by phone. He sent her a notice along with a letter explaining the situation and has not heard from her.

Interested Parties:

There were interested parties, but none spoke.

Comments and Questions:

Mr. Beach stated that he is not sure if it is proper to hear the case without the applicant being present.

Mr. Romig asked Mr. Beach if the notice was sent by certified mail. Mr. Beach answered no. Mr. Romig advised that the Board continue the hearing and for Mr. Beach to send a new notice by certified mail to the applicant.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", no "abstentions"; White "absent") to **CONTINUE** Case No. 17917 to the meeting of July 28, 1998, to give Staff the opportunity to send a certified letter to the applicant.

Case No. 18037

Action Requested:

Special Exception to allow a residential treatment center (U.U.2) in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2**, located 2043 E. Xyler

Presentation:

The applicant, **Richard Cleverdon**, stated that he is an attorney and he represents the owners of the property. An objection letter (Exhibit D-1) and photos (Exhibit D-2) were submitted to the Board. Mr. Cleverdon stated that this area is a basically well kept neighborhood, but there are some exceptions. The house to the east has been boarded up for a long time. The back boundaries of the lots on Yorktown are abutted by I-244. Mr. Cleverdon stated that this application deals with an important issue of rehabilitation of substance abusers. The therapy is substantially suspended and the people who are in this property would be living on their own with a requirement that they be employed. It is an advanced step in rehabilitating people into the community to be productive. There will be no use of intoxicating substance, no street drug use, no alcohol use and there will be nobody on premises whose treatment involves the use of psychotropic drugs. They believe that with the containment of the people who are treated at this facility and with the requirement that they demonstrate themselves as good citizens, that this will have a minimum impact upon the neighborhood. Mr. Cleverdon stated that this house, at an earlier time, was part of the deteriorated area of this neighborhood and in the preparation to conduct the business his clients have fully renovated the house and it is in a good state of repair. It is the intention of this business that there will be no allowance of conduct on premises which would be detrimental to the neighborhood. Mr. Cleverdon requested that the Board approve the Special Exception which is being requested.

Comments and Questions:

Ms. Turnbo asked Mr. Cleverdon how many clients would be in the home. Mr. Cleverdon answered that there were ten beds. Ms. Turnbo stated that there would be ten clients and asked how many caregivers would live there. Mr. Cleverdon replied that this was not a therapy situation. Ms. Thompson will be a live-in supervisor.

Ms. Turnbo asked if there will be any other outpatient treatment in the home? Mr. Cleverdon stated no, it is not contemplated.

Patricia Al-Sharif, stated that she is the transportation to the meetings for the clients at this time. What they wish to do, when they become licensed, is to have an in-house counselor. They will have a cook and the house members will perform the other duties around the house. There will be a house mother who will stay in the house 24-hours a day and a counselor who will come in at least three days a week. The clients do check in and out. Anytime they leave the house they must sign in and sign out.

Ms. Turnbo asked Ms. Al-Sharif how many parking spaces and how many clients will have cars. Ms. Al-Sharif answered that when the clients come to them, they have very few things left. They try to give them a place to start over. Sometimes the clients have cars. There is the capability of holding three cars in the driveway and three cars in the street. Usually they do not have cars. Ms. Turnbo asked if the house mother and the cook will have a car. Ms. Al-Sharif answered yes. Ms. Turnbo stated that there will also be a counselor in three days a week. Ms. Turnbo asked if there will be any other groups meeting in this house other than the clients? Ms. Al-Sharif stated that she takes the clients to some of their meetings outside the house.

Ms. Turnbo asked Ms. Al-Sharif what the average length of stay is. Ms. Al-Sharif answered 30 days to a year, but the average is about three months.

Ms. Turnbo asked what kind of treatment will the clients have. Ms. Al-Sharif stated that they are trying to develop life skills. When the clients come to them, they have lost everything and they try to give them a stable, safe environment to restructure their life. They help the clients get jobs. Ms. Turnbo asked how the clients are transported to their jobs. Ms. Al-Sharif answered that they transport them until they can find a public transportation system or buddy system. Ms. Turnbo stated that they are basically teaching life skills. Ms. Al-Sharif answered yes.

Ms. Perkins asked how often the clients come and go from the facility. Ms. Al-Sharif replied that it depends on the particular person. Ms. Al-Sharif stated that they go to work and come home and once a month they will receive a weekend pass.

Dionna Henderson, 7823 S. Wheeling, asked if the Board wants to know how many times the clients leave during the day. Mr. Dunham answered yes, how many trips a day does a typical person make? Ms. Henderson answered to work and back and possibly to meetings outside the home. They go to a meeting at least five times a week and they are transported to those facilities.

Ms. Turnbo asked Ms. Henderson about the motor home that is being parked on the property. Ms. Henderson stated that the motor home is not on the property. An unidentified woman (name not mentioned, hereinafter referred to as "the homeowner") stated that if the motor home is a problem, it can be removed. Ms. Turnbo asked her if she owned the home and she answered yes and she is the house mother. Ms. Turnbo asked the homeowner where she usually stores her motor home. The homeowner answered on Admiral.

Mr. Stump mentioned that they would not be allowed to park that close to a street in a residential district with multiple parking spaces like the new area shown on the plot plan as being paved for parking. Also, it looks like it would reduce the required livability below standards. Mr. Dunham asked if they were advertised for any of that relief and Mr. Stump said no.

Ms. Turnbo asked how many deliveries are made to the house. The homeowner answered none, they go to the store themselves.

Mr. Dunham asked if they have been operating since December. The homeowner stated that she was still in the process of working on the house and there were a couple of girls who just didn't have anywhere else to go and they begged her to let them stay there. She stated that if she had not let them stay there they would have been living on the street.

Ms. Turnbo asked if this business is licensed by the State. The homeowner answered that it will be if she can be properly zoned. Ms. Turnbo asked the homeowner what the square footage of the house is. The homeowner stated that she did not know exactly how big it is. Mr. Beach stated that he has an enlarged site plan and it shows the square footage as being 1,950 SF.

Mr. Stump stated that Code Enforcement has said that some of the additions to the house do not have building permits and it looks like the area to the northwest is too close to the property line.

The homeowner stated that her father bought the house 47 or 48 years ago. The homeowner stated that she did not put the additions there, they were there when she acquired the house out of their estate.

Gary Allen, 2043 Xyler St., stated that he is one of the residents of the house. Mr. Allen stated that he has lived there for two and a half months and this has been very helpful for him and for others. Mr. Allen stated that June (the homeowner) has done a wonderful job taking care of everyone. Mr. Allen mentioned that when someone wants to come into the home she carefully screens them. Mr. Allen stated that this is a positive environment and the clients are willing to help the neighborhood.

Interested Parties:

David Patrick, City Councilor, stated that he has received a significant number of phone calls on this application. Councilor Joe Williams has also received a significant number of phone calls. Mr. Patrick mentioned to the Board that this is a commercial venture even though it is listed as a residential treatment center. The facility is located right in the middle of a residential area. Some of the residents will speak about the concerns that they have. Mr. Patrick stated that he could not support this because the residential neighborhood needs to be protected. Mr. Patrick does not see how the house could support ten residents, there are places for residential treatment centers. Mr. Patrick said that it would be okay if it were located closer to a commercial district or was in a much larger house. Mr. Patrick is not saying that this is a bad thing, it just doesn't belong in a residential neighborhood. Mr. Patrick encouraged the Board to listen to the residents in the neighborhood and deny the application.

Gertrude Jones, stated that she has lived in the neighborhood for 49 years. Ms. Jones stated that they have fought and come to many meetings trying to keep the area a residential neighborhood. Ms. Jones stated that there are some very undesirable people who walk the streets of the neighborhood and they do not want that. Ms. Jones asked the Board to deny the application.

Jane Malone, stated that she is President of Chamberlain Area neighbors and she owns real estate at 2045 E. Woodrow Court. Ms. Malone stated that the area is not deteriorating, it is a stable neighborhood. Ms. Malone has owned the real estate in the area for over 15 years. Ms. Malone believes that allowing a drug treatment facility in the area will decrease the property values of the neighborhood. They have been operating illegally for the past several months and on the application they did not specify that it was going to be a drug treatment center. Ms. Malone stated that if they have been operating illegally then they have no regard for the law or the neighborhood. Ms. Malone encouraged the Board to deny the application.

Samuel Pearson, 2041 E. Woodrow Court, stated that he owns two properties in the area. Mr. Pearson stated that he did not know what was going on with the property, but they did a good job remodeling the house. Mr. Pearson stated that this is not the place to put a treatment center. Most of the older people in the neighborhood do not feel comfortable with the center in the area.

Mildred Reed, stated that she has lived in the neighborhood for 47 years. There have been some young families that are moving into the area and trying to make it better. Ms. Reed stated that she agrees with the idea of the treatment center but not placing it in any kind of neighborhood.

Lenora Stevens, 2055 E. Young Place, stated that she does not want this type of business in the area. Ms. Stevens asked the Board to deny the request.

LaRue Thompson, stated that he lives across the street from the rehab house. Mr. Thompson stated that there are a lot of cars parked at the house. Mr. Thompson's mother lives down the street and she receives calls about the rehab house and people also stop at her house believing that it is the rehab house. Mr. Thompson stated that he is opposed to the application.

Those wishing to make their opposition know, but did not want to speak:

Lauren C. Reed, 2046 E. young Pl.

Applicant's Rebuttal:

June Thompson, stated that she is shocked at the people telling tall tales. Ms. Thompson stated that there are not cars parked everywhere on the property.

Case No. 18037 (continued)

Dionna Henderson, stated that there are a lot of drug addicts in the community. Anybody that comes into the facility must take a drug test. Ms. Thompson stated that everyone is always inside, they do not allow their clients to hang out outside.

Comments and Questions:

Ms. Perkins asked the applicant how many restrooms are in the house. Ms. Thompson answered three. Ms. Perkins asked if all have a tub, toilet and shower. Ms. Henderson stated that there is a half bath, with a toilet and sink; one with a shower and toilet and another with a shower, bathtub and toilet.

Ms. Turnbo stated that she believes that this is a worthwhile cause, but the parking situation is not adequate. Mr. Dunham agreed and stated that he has a problem with it being located in this neighborhood. Ms. Turnbo mentioned that she has a problem with it not being licensed.

Mr. Cooper stated that he knows that there has been a task force organized that is trying to resolve the difficult issues that relate to rehabilitation or treatment centers in the community. Has there been any progress? Mr. Stump stated that they are nearing the completion of their work. There has not been a final report prepared yet. They are talking about allowing this type of facility by right in certain commercial, office and industrial districts, but there has been some sentiment in the group that this type of facility is not appropriate in single family neighborhoods.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", no "abstentions"; White "absent") to **DENY** Special Exception to allow a residential treatment center (U.U.2) in an RS-3 zoned district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 2**, on the following described property:

Lots 15, Block 4, Coots Second Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 18079

Action Requested:

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

Presentation:

The applicant, **Jerry Atchison**, has requested a continuance.

Interested Parties:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Perkins, Turnbo "aye"; no "nays", no "abstentions"; White "absent") to **CONTINUE** Case No. 18079 to the July 14, 1998 meeting.

Case No. 18080

Action Requested:

Special exception to permit an animal shelter (Existing SPCA) in a RS-3 district. – Use Unit 2, located 2910 Mohawk Blvd.

Presentation:

The applicant, **Joe Minardi**, submitted a site plan (P-1) and stated that he is the President of The Associated Contractors, which is the general contractor for the SPCA. Mr. Minardi stated that the building has been there and operating since 1951. Mr. Minardi ran across some documents that the then Mayor LaFortune signed over to the SPCA which looked like it lifted the restrictions on that property. Mr. Minardi stated that the reason they ran into this is they are wanting to add a new clinic. It is basically a 45'x45' building to be used as a veterinarian clinic. It is not adding any additional outside dog runs, it is strictly to be run as a vet clinic and take care of the animals.

Mr. Denver Fox, stated that he is a Board Member of the Tulsa SPCA. This facility has been in this location since 1950 or 1951. Some of the land was deeded over from the City of Tulsa in 1971. Mr. Fox stated that the SPCA sits on seven acres. They have been doing animal rescue and cruelty investigation at the facility. They are asking the Board to clear the zoning up and bring the building into compliance for them to continue to do what they are doing.

Comments and Questions:

Mr. Dunham asked if there are any outside dog runs at the new building? Mr. Minardi said no, the new building will be facing the existing outside dog runs that are already there. If anything, it should block noise, because the dogs will be facing the new building.

Interested Parties:

Terry Cole, stated that he lives directly across the street from the property. Mr. Cole believes if the SPCA is allowed to enlarge the building, they are enlarging the problem that they have of people dumping animals in the area.

John Turner, stated that he has bought some property that is right next to the proposed building. Mr. Turner bought the 3½ acres two years ago. He has been developing the property and has not been able to start building his home yet. Mr.

Turner believes that the proposed building would bring his property values down. Mr. Turner wants to know how many additional dogs will be staying at the facility.

Dorothy Pitts, 3816 N. Gary, stated that she owns a lot next to where they are going to build. Ms. Pitts does not care what they build, as long as it stays clean. Ms. Pitts said that it is noisy with the dogs. She has been living in the area for 32 years and they have only cleaned the lot once. Ms. Pitts says that she can handle the dogs, if they would just clean up the lot.

Robin Cole, 3017 E. Mohawk, stated that she lives across the street from the SPCA. Ms. Cole stated that it is true that the building has been there since the 1950's and it probably is grandfathered in. She is concerned about the new building being in a residential area. Ms. Cole has been in the neighborhood for 18 years and one of the reasons they moved there was because it was quiet. Ms. Cole is concerned about the noise of the dogs in the summer and property values. Ms. Cole believes that the SPCA should move into a commercial area instead of adding onto a residential area.

Applicant's Rebuttal:

Mr. Minardi stated that there are no additional animals that are going to be kept there. The facility is at capacity, which is about 200 dogs and cats. This is not going to affect the shelter building in any way. This is a clinic. Right now they are having to shuttle the animals to a vet clinic to have their shots and neutering, etc. This is a convenience for the SPCA and they believe that it will improve the property. There are no adjacent lots to the building because it is located in the middle of seven acres. Mr. Minardi stated that they had a major cleanup about a month ago.

Comments and Questions:

Mr. Dunham asked the applicant how close are the dog facilities to any existing lots. Mr. Minardi stated that the building will be located within 120' of the existing dog kennels. It should block some sound from the area. Mr. Minardi stated that hopefully this will help the neighborhood by cutting down some of the noise.

Ms. Turnbo asked if the clinic is only for the animals that the SPCA is caring for. Mr. Minardi answered yes. Ms. Turnbo stated that they are essentially eliminating traffic.

Mr. Cooper asked the applicant to explain how the new building will cut down the noise. Mr. Minardi answered that the new building will be in between the dog runs and the neighbors. It is theoretical that it will cut down the noise, it hasn't been proven. Mr. Cooper asked how the capacity of the SPCA has changed over the years as far as the number of animals allowed by kept there. Mr. Cooper stated that he would like to try to address the concerns of the neighbors, understanding that the building is not bringing in new animals. Mr. Minardi stated that 200 is the maximum number for the facility. Mr. Dunham asked if the number of dogs and cats has been the same since they started. Mr. Minardi answered yes. Mr. Dunham asked what would happen when

they get more than 200 in the shelter. Mr. Minardi stated that they do not accept them. Mr. Minardi stated that animals are dumped all over town and at other shelters, it is not just this shelter. Mr. Dunham asked if the SPCA has an agreement with the City to pick up some of the animals that have been dumped there. Mr. Minardi stated that the Tulsa Dog Pound is located not too far from this location and he is sure that they have the same situation. They are limited to the number of animals they can take and there is no way to limit the number of animals dumped in the area.

Mr. Cooper asked the applicant to expand on the question about an agreement with the City to pick up some of the dumped animals. Mr. Minardi stated that the addition of the clinic is not going to add to the capacity of animals at the SPCA, it is strictly for a veterinarian clinic. Mr. Minardi does not know how the City of Tulsa handles the dog dumping situation in their area.

Ms. Turnbo stated that she does know they are at capacity, she has adopted a dog and a cat from there. She has also found dogs and cats in her neighborhood and they would not accept them because they were at capacity. Unfortunately, she had to take them to the pound. Ms. Turnbo stated that this is not the only facility in town. She does believe that by allowing the new building, they will be eliminating some of the traffic problem because they will not be making trips to the vet. It is not going to add to the noise.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 3-1-0 (Dunham, Turnbo, Perkins, "aye"; Cooper "nays", no "abstentions"; White "absent") to **APPROVE** Special exception to permit an animal shelter (Existing SPCA) in a RS-3 district. – Use Unit 2, per plan submitted on the following described property:

Lots 1, 2, 3, Block 10, Lakeview Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18081

Action Requested:

Variance of required setback from the centerline of Peoria from 50' to 35' to permit a sign. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs**, located 31 N. Peoria.

Presentation:

The applicant, **Amax Sign Co.**, represented by Bruce Anderson, 9520 E. 55th Pl., submitted a site plan and sign plan (Exhibits E-1 and E-2) and stated that they have to have a 50' setback and they believe that was put in place for the new part of the City.

Case No. 18081 (continued)

They are asking the Board to grant the Variance. Their hardship is that all of the buildings are set back 35'. The building directly to the south is set back 30' and the building that the sign is sitting next to is 40'. Mr. Anderson stated that the City only owns 30' of easement in this area. They can not put a sign at the 50' setback because they would be sitting inside the building.

Comments and Questions:

Mr. Stump stated that the Planning Commission is working on revising the standards for some of the older arterials and 70' looks like it will be the standard and this would meet that standard.

Mr. Beach inquired about the sign that is directly behind the Airgas sign. Mr. Anderson stated that the sign has been there for 20 to 25 years and has been removed.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Variance of required setback from the centerline of Peoria from 50' to 35' to permit a sign. **SECTION 1221.C.6. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING, General Use Conditions for Business Signs** finding the hardship to be the age of the building and the impossibility of the building meeting the setbacks and subject to a removal contract associated with the sign on the following described property:

Lots 4 and 5, Section 6, Lynch, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18082

Action Requested:

Variance of screening requirement from an abutting R district to allow natural vegetation. **SECTION 1217.C.1. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions – Use Unit 17**, located 40 N. Mingo Road.

Presentation:

The Applicant, **Scott Jaynes**, Tulsa Properties, submitted a site plan (F-2) and stated that he is appearing for the owners, Cam and Dale Wygant. They applied for a zoning change and were approved that zoning change a couple of weeks ago into a CH zoning. Mr. Jaynes stated that they abut, directly to the west, an RS-3 zoning that is not being used for RS-3 at this time. There is a flea market directly west of their property. Mr. Jaynes submitted photos (Exhibit F-1) to the Board and stated that they show the property appearance looking west from the southwest corner to the northwest corner and it shows the vegetation line across there.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Variance of screening requirement from an abutting R district to allow natural vegetation. **SECTION 1217.C.1. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES, Use Conditions – Use Unit 17** based on the fact that the RS-3 is not being used as for residential purposes and that the existing landscaping is adequate to meet the needs of a screening fence, on the following described property:

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

Case No. 18084

Action Requested:

Special Exception to allow church uses in an RS-4 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5** and a Variance to allow an accessory use on a lot other than where principal use is located. **SECTION 1800. DEFINITIONS; ACCESSORY USE OR STRUCTURE** and a Variance of the required 25' setback from R district on S, E & W sides to (S) 17', (E) 15', (W) 3'. **SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** and a Variance of 1 acre minimum lot size and 100' lot width for church. **SECTION 1205.B.1.a. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses** located S of SE/c E. Archer & N. Yorktown.

Presentation:

The applicant, **Orville Moseley**, submitted a plot plan (Exhibit G-1) and stated that they need to build a garage to store a new van that they have recently acquired and they need to get it off the street and into a secure place. Their plans have been submitted to the City and they did not give them any static about building it. The plans are to finish the building in vinyl siding to make it superior and above anything that is around it.

Comments and Questions:

Mr. Dunham asked the applicant if there is a building on the abutting lot to the west. Mr. Moseley answered no.

Mr. Dunham asked the applicant if the proposed building could be moved north so the vacant abutting property would be the only one affected. Mr. Moseley stated that they acquired all the property to the north and east from another church. The purpose of acquiring the property was to build a park.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Special Exception to allow church uses in an RS-4 district. **SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5** and a Variance to allow an accessory use on a lot other than where principal use is located. **SECTION 1800. DEFINITIONS; ACCESSORY USE OR STRUCTURE** and a Variance of the required 25' setback from R district on S, E & W sides to (S) 17', (E) 15', (W) 3'. **SECTION 404.F.4. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS** and a Variance of 1 acre minimum lot size and 100' lot width for church. **SECTION 1205.B.1.a. USE UNIT 5. COMMUNITY SERVICES AND SIMILAR USES, Included Uses** finding the hardship to be the size of the lot, on the following described property:

East 50' of Lots 45 thru 48, Block 2, Eastland Addition.

Case No. 18085

Action Requested:

Variance of minimum setback requirement from public street of 50' from the centerline down to 40'. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 1**, located 2720 W. 48th St. S.

Presentation:

The applicant, **Michael Stacey**, stated that he is with Boynton Williams Architects. Mr. Stacey submitted a site plan (Exhibit H-1). They are the representative of the owner, Tulsa Public Schools. They are requesting a variance for the setback from 50' to for 40'. The existing school facility currently sits 40' off of the street. The school is proposing to add seven classrooms and a library. This will be in line with the existing building along the east property line and not encroach any further into that setback, but just to stay in line with the existing building.

Comments and Questions:

Mr. Dunham asked Mr. Stacey about the parking, 1 space for every 1,200 SF of floor area. Mr. Stacey answered that the new addition is going to replace existing temporary facilities, there is no increase in area and the existing parking is sufficient.

Mr. Beach asked the applicant if there are more modular buildings than what are shown on the site plan. Mr. Stacey replied yes, there is also a modular trailer that sits on the south end of the property that will be removed.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Variance of minimum setback requirement from public street of 50' from the centerline down to 40'.
SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 1, finding the hardship to be the building will be in line with the existing building and there is no substantial increase in floor area, on the following described properties:

Block 1, Oak-Grove Addition, Tulsa County, State of Oklahoma.

Case No. 18086

Action Requested:

Variance of the allowable 750 SF for accessory building to 1,696 SF. **SECTION 404.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6**, located 802 N. Harvard.

Presentation:

The applicant, **Marbella Dygert**, 802 N. Harvard, submitted a site plan (Exhibit I-2) and stated that she added on to her garage for extra storage. Ms. Dygert stated that she has some rental property and she buys furniture to put into the rent houses.

Comments and Questions:

Mr. Dunham asked Ms. Dygert if the storage is for her own use, she answered yes.

Ms. Turnbo asked the applicant if she has an upholstery business in her garage. Ms. Dygert said no, she does work in the upholstery business but she works outside. Ms. Turnbo asked if she has people bring furniture into the garage and take out or buy old furniture, reupholster and resale. Ms. Dygert answered no, not in her garage. Ms. Turnbo asked if there was any place on her property that she does this. Ms. Dygert replied yes, she works outside. Mr. Cooper asked the applicant if she does any commercial work on this property and she answered no. Ms. Turnbo asked the applicant if she understands the fact that she is not allowed to do any kind of commercial work on this property. Ms. Dygert answered yes.

Ms. Parnell asked Ms. Dygert who she works for. Ms. Dygert answered Beller's Upholstery shop. Ms. Parnell asked where they are located and the applicant replied on 11th and Peoria. Ms. Parnell asked if there was ever any upholstery work done on her property and Ms. Dygert answered no.

Case No. 18086 (continued)

Ms. Turnbo asked Ms. Parnell if she has had any complaints on this piece of property. Mr. Ballentine answered yes, they had a complaint with regard to the upholstery at this location. Mr. Dunham mentioned that he thought it was strange that there were no protestants or interested parties since there has been a complaint filed. Ms. Dygert's interpreter stated that she has letters from several neighbors stating that they had no problem with the request (Exhibit I-1).

Ms. Parnell asked the applicant what she uses the building for since it is so large. Ms. Dygert answered furniture storage for her rent houses and her car. Ms. Dygert's interpreter stated that she has rental property and sometimes she will buy materials to work on them and she stores those materials in the garage. Ms. Dygert's rental properties are furnished and sometimes she will upholster a piece of furniture for the rent houses. Ms. Parnell stated that legally Ms. Dygert can't do that. She can't legally do work on this property for her rental properties.

Mr. Dunham stated that Ms. Dygert has no right to carry on commercial activity on this property because it is not zoned for it. Mr. Dunham stated that if the Board approves this application, it would only be for the building and not for any commercial activity.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Variance of the allowable 750 SF for accessory building to 1,696 SF. **SECTION 404.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6**, finding that the lot is large enough to support the oversize building and with the understanding that there be no commercial business on this property and in this expanded accessory building, on the following described property:

Lot 5, Block 1, King's Subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18087

Action Requested:

Variance of setback requirement from a side yard abutting a non-arterial street, from 15' to 5'9" to add an attached garage to a nonconforming structure. **SECTION 403.5 BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; SECTION 1402. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION-Use Unit 6**, located 1302 S. Gary Place.

Presentation:

The applicant, **Ben Murry**, submitted a site plan (Exhibit J-1) and stated that he is proposing to build a two car garage with living quarters above it and a drive entering off of 13th St. Mr. Murry stated that his house is on a very narrow lot and the existing garage will be taken down.

Comments and Questions:

Ms. Turnbo asked the applicant if the living space above the garage is for his family. Mr. Murry answered yes, he has two girls who are 8 and 10 and they will live there.

Mr. Stump asked the applicant how this is structurally going to be connected, will it be a part of the house? Mr. Murry stated that it is going to be built as a separate structure but the roof line off the existing house will attach and will make it one building. The six feet of space in between the buildings will be used for an entrance and stairway. Ms. Turnbo asked if there will be a separate entrance to the building. Mr. Murry replied no, it will all be enclosed but it will be a back door from the drive.

Ms. Turnbo asked the applicant to come to the front and explain the site plan. Discussion ensued regarding the site plan. Mr. Stump stated that if the applicant wants to enter the garage off of 13th St., there is a 20' setback rather than 15'.

Mr. Cooper asked if there was an increase in the nonconformity of the building. Mr. Stump stated that it increases because you have more building. Mr. Beach stated that any garage that accesses a public street must be setback 20' from that street to allow cars to pull completely off of the street right-of-way without being put into the garage and be parked on the driveway.

Mr. Stump stated that both the existing building and garage are nonconforming as to setback. Even with the removal of a single car garage and replacing with a double car garage that does not conform, technically speaking, that would increase the nonconformity. The real question before the Board is, do you want to allow a garage and/or an expansion of the principal structure at 5.9' setback or do you want to require additional setback. Mr. Stump stated that he believes that the only change from the site plan in the packet is that the applicant wants to access the garage from 13th St. which would have required a 20' setback and what is in the packet says 15', it is only 15' if you don't directly access the garage. In both cases, the building would be going to 5.9' from the street right-of-way.

Mr. Beach stated that when the plan was showing a turn into the garage, he was okay with the plan but he now says that he is not okay with only having 5.9' in which to park a car, which is not possible. Mr. Cooper stated that is the way it is now thought and Mr. Stump agreed. Mr. Murry stated that all the lots up and down 13th St. are that way.

Case No. 18087 (continued)

Mr. Cooper stated that he agrees with Staff, he would prefer to see the drive elbow into the garage.

Ms. Turnbo stated that she does not believe the increase will be injurious to the neighborhood.

Board Action:

On **MOTION** of **PERKINS**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Variance of setback requirement from a side yard abutting a non-arterial street, from 15' to 5'9" to add an attached garage to a nonconforming structure. **SECTION 403.5 BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; SECTION 1402. NONCONFORMING USE OF BUILDINGS OR BUILDINGS AND LAND IN COMBINATION-Use Unit 6**, per plan submitted today and subject to the removal of the old garage and driveway, on the following described properties:

Lot 1, Block 7, East Lawn Addition, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18088

Action Requested:

Variance of bulk and area requirements – minimum lot width of 100' down to 80' for lot split purposes. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, located 44th Pl. & S. Florence.

Presentation:

The applicant, **Bill M. Butts**, submitted a site plan (Exhibit K-1) and stated that he is President of Pinnacle Properties, 9708 E. 55th Pl. Mr. Butts stated that they are requesting a split of two lots down to three lots at this particular location to make it feasible for them to build \$350,000 or \$400,000 houses along this street.

Comments and Questions:

Mr. Stump stated that he has a question on the math; 80', 80' and 85' is 245'; 125' and 125' is 250', what happened to the 5'? Mr. Butts stated that he must have left the 5' out for utility easements. Mr. Stump stated that there will be two 85' lots, which ones will they be? Mr. Butts answered the center and the west abutting lot. Lot 4 is the west lot.

Mr. Cooper asked the applicant what he is stating the hardship to be as it relates to the request. Mr. Butts stated that he did not believe there is one. Mr. Cooper mentioned that creates a problem because the Board must have one to approve the variance. Mr. Cooper stated that the applicant has two typically sized lots for the

neighborhood and they are regularly shaped, the Board will need some sort of hardship because they can't just approve it because he asked for it.

Mr. Dunham mentioned that he lived in this neighborhood for 17 years and he is very familiar with this neighborhood. Across the street from this property there has been some subdivision of lots that are about this size. Mr. Dunham stated that the new houses being built did not have a negative impact on the neighborhood. There is a precedent for this right across the street, it just isn't shown well on the map.

Mr. Butts stated that it is cost prohibitive if they take the two lots and try to put two rather large houses on them. They aren't sure they can sell a \$650,000 or \$700,000 house for basically what the land is being sold for. Ms. Turnbo mentioned to the applicant that financial concern does not qualify as a hardship, it must be related to the property.

Ms. Turnbo stated that along 44th Pl. and 45th Pl., all the lots are the same and she does not find enough variances there to set a precedence.

Interested Parties:

David Holloway, 2905 E. 44th Pl., stated that he and a number of neighbors have met with Mr. Butts and he has entered into an agreement and signed protective covenants which has been filed and submitted as Exhibit K-2. The agreement sets out building restrictions that the neighbors feel adequately protect them and hold Mr. Butts to doing what he says he is going to do. The neighbors feel comfortable with what he is going to do.

Comments and Questions:

Mr. Beach apologized to the applicant if the hardship requirement was not explained to him in the application process. The State statute is clear and says that every variance that the Board grants must be supported by a finding that there is something unusual about this property that if, the literal enforcement of the Code is in place, there is an unnecessary hardship on the property. Mr. Beach stated that this property is just like all the ones around it, economic hardship is not a factor.

Mr. Romig stated that in looking at the covenants that are proposed, they are good from the standpoint of the residential use, but they have nothing to do with the granting of a variance.

Mr. Cooper stated that although he is inclined to approve the application, he does not feel that he can without a hardship.

Mr. Dunham stated that this is an area that he is very familiar with. Mr. Dunham mentioned that these lots were platted this big because there was no sewer in the neighborhood when it was developed. All of the lots north of 44th Pl. now have sewer.

Mr. Dunham thinks that the hardship is that these lots were platted because there was no sewer, there is now sewer on these properties. There is really no reason that they have to be this big. Mr. Dunham believes that there is precedence for this across the street. As a former resident of the neighborhood, he felt that new houses in the neighborhood would be a plus and would have a positive impact on the property values. Mr. Dunham stated that he has spoken to one of the nearby residents to this property and he is very supportive of the application because there are several very nice houses being built in the area.

Mr. Cooper stated that was not a hardship for him.

Ms. Turnbo made the motion to approve, Ms. Perkins abstained and Mr. Cooper stated that he would not make a second on the motion. Mr. Romig stated that Mr. Cooper could act as chairman and Mr. Dunham could make the second. Mr. Cooper agreed to be chairman and Mr. Dunham seconded the motion.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 2-1-1 (Dunham, Turnbo "aye"; Cooper "nays", Perkins "abstentions"; White "absent") to **APPROVE**, Variance of bulk and area requirements – minimum lot width of 100' down to 80' for lot split purposes. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6**, finding the hardship to be the lots being platted large because there was no sewer and now there is one in place and several lots have already been divided, on the following described property:

Lots 3 & 4, Block 7, Villa Grove Park, a subdivision of the City of Tulsa, Tulsa County, State of Oklahoma.

MOTION FAILED DUE TO A LACK OF A MAJORITY VOTE

Case No. 18089

Action Requested:

Special Exception to allow Use Unit 15 in a CS zoned district. **SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 15**, located 12948 E. Admiral Pl.

Interested Parties:

None.

Case No. 18089 (continued)

Board Action:

Continued for new notice to the meeting of July 14, 1998. No action was taken.

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

Case No. 18090

Action Requested:

Variance of required 15' side yard to 5' to make an addition to a nonconforming building. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICT; SECTION 1405. STRUCTURAL NONCONFORMITIES-Use Unit 6**, located 2685 E. 37th St.

Presentation:

The applicant, **Stephen J. Olsen**, submitted a site plan (Exhibit L-1) and stated that he is the architect for Beth and Robert Saxy. This is a piece of property that is estate zoned and there is a 15' required side yard. The existing residence is already within 8' of the side yard so it is a nonconforming structure. They would like to take the garage and turn it into living space and create a new garage out front. They are going to keep the existing 8' setback that is currently there. In order to do anything to the house, they need Board approval.

Comments and Questions:

Mr. Stump asked the applicant if the garage is going to be part of the principal building or detached. Mr. Olsen answered that it will be connected. Mr. Beach asked the applicant if he had any plans showing how that will work. Mr. Stump stated that if it is an attached building, it is prohibited in the front yard. Mr. Beach asked if it is a structurally integral roof. Mr. Olsen stated that they are building the new garage right in front of the current garage. Mr. Stump stated that the graphic in the packets has been changed, aligned with the side of the existing building.

Mr. Stump stated that this is one of the lots that was zoned RE after development and it is substandard by seven feet in width. The house was not built under the 15' setback requirement.

Ms. Turnbo stated that she does not have a problem with this. The variance will now be for 8' instead of 5'.

Interested Parties:

None.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Variance of required 15' side yard to 8' to make an addition to a nonconforming building. **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICT; SECTION 1405. STRUCTURAL NONCONFORMITIES-Use Unit 6**, finding that the building was built before the change to RE zoning and it is a substandard lot for that area, per plan submitted today, on the following described property:

Part of Lot 2, Block 1, Oak View Estates, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 18091

Action Requested:

Special Exception to permit the side and rear yard walls, columns and caps to exceed 8' in height and to permit the front yard walls, columns and caps to exceed 4' in height pursuant to retaining and screening wall plans and specifications approved by the Board. **SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6**, located 1396 E. 27th Pl.

Presentation:

The applicant, **Charles E. Norman**, submitted photos (Exhibit M-5) and a Building Permit (M-3) and stated that he represents the property owner at 27th & South Rockford Road, directly across the street west from Philbrook Museum. The property owner has acquired a 2½ acre tract and proposes to construct one single family residence on the property and this application is for approval of a special exception modifying the screening limitations to permit retaining walls and screening walls to be in excess of 8' on the side and rear yards and in excess of 4' on the required front yard. The front yard faces north to 27th St. Mr. Norman stated that he has submitted to the Board elevations of the four walls (Exhibit M-2). The property slopes 8'-9' from the northeast to the southwest. Mr. Norman stated that it is necessary to construct a retaining wall of 12' at the southwest corner. Mr. Norman submitted to the Board copies of a request signed by all of the property owners abutting this site, including Philbrook Museum, Robert Gardner, and Dr. Framme G. Hill, Tom Grant, Jr. and Mr. and Mrs. Goddard, requesting that you approve these plans (Exhibit M-4). Mr. Norman submitted to the Board, wall plans from the architect (Exhibit M-1). Discussion ensued regarding the walls but it was not audible. Mr. Norman stated that they have obtained from the building inspector for the construction that has already been started. Mr. Norman stated that this is a 12' reinforced concrete wall which will have stucco and stone facing on the inside and outside of the wall that will match the house.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Special Exception to permit the side and rear yard walls, columns and caps to exceed 8' in height and to permit the front yard walls, columns and caps to exceed 4' in height pursuant to retaining and screening wall plans and specifications approved by the Board.

SECTION 210.B.3. YARDS, Permitted Obstructions in Required Yards – Use Unit 6, per plan submitted, on the following described property:

A tract of land lying partly in Lot 3, and partly in the E/2 of the SW/4 of Sec. 18, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, being more particularly described as follows: Beginning at a point 1,650' N and 1,305' E of the SW/c of the SW/4 of Sec. 18; thence N and along the W line of Rockford Road, a distance of 287' to a point; thence NWly along a curve to the left having a radius of 25', a distance of 39.27'; thence N a distance of 3' to the S line of 27th Pl. and 25' W of the W line of Rockford Road; thence W along the S line of 27th Pl., a distance of 298.8' to a point; thence Sly a distance of 315' to a point 324.7' W of the point of beginning; thence E a distance of 324.7' to the point of beginning

Case No. 18092

Action Requested:

Variance to permit a patio area to extend into the street setback on East Brady.

SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 12.a., located 124 N. Boston Ave. E.

Presentation:

The applicant, **Jeff Castleberry**, 13½ East Brady, submitted a site plan (Exhibit N-1) and stated that he is the managing partner of Herco, L.L.C., operating as Hercules Motor Company and The Red Room on East Brady Street. The frontage of the building is on Brady Street. The application is actually to put a fence around an existing concrete structure which is curbed, leaving a 5' walkway for the small amount of traffic that does pass by.

Comments and Questions:

Mr. Beach stated that there is no setback in the CBD zoning district so the wording in the application may be a bit confusing. Mr. Beach stated that the patio would be located fully in the street right-of-way, Mr. Beach said that he isn't even sure the Board has jurisdiction here. It requires a license agreement with the City. Mr. Stump stated that Mr. Castleberry isn't the owner of the property and Mr. Stump is not sure that he is properly before the Board.

Mr. Cooper asked if they could make it subject to a license agreement so they can vote on it. Mr. Romig stated that they are going to need relief on the requirement that you can't have any kind of structures in the right-of-way. Mr. Beach asked if the notice is sufficient to take action. Mr. Romig said yes.

Interested Parties:

Jim Norton, Downtown Tulsa Unlimited, stated that his only concern was that with the third penny sales tax, there are going to be thirty-three residences constructed in the Tribune Building and they wanted to make sure that there is going to be sufficient screening. Mr. Norton asked what the hours of operation are and Mr. Castleberry answered 4 p.m. to 2 a.m. Mr. Norton stated that as long as the patio is screened, they have no problem with it.

Mr. Beach asked Mr. Norton what he meant by "screen". Mr. Norton said that he understood that it will be a solid or wrought iron. Mr. Castleberry stated that it will be wrought iron fence.

Mr. Norton stated that this is the kind of use they are trying to encourage but their concern is for the future residents of the area and noise level. Mr. Stump stated that since this is City property, he is assuming that City Legal won't let them have an agreement that couldn't be voided by using it as a nuisance. As far as enforcing noise it is very difficult.

Mr. Romig stated that all license agreements to use City property have to be revocable at will. If it becomes a problem one day, they can shut it down the next. Mr. Norton stated that if it is approved subject to a license agreement, they have no problem with it.

Ms. Turnbo asked the applicant to describe the fence. Mr. Castleberry stated that they have not designed it yet, but it will be something decorative.

Board Action:

On **MOTION** of **TURNBO**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", no "abstentions"; White "absent") to **APPROVE** Variance to permit a patio area to extend into the street setback on East Brady. **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS** – Use Unit 12.a., to allow a structure on City owned property with the conditions that there is a license between the City and the property owner and per plan submitted, on the following described property:

Lot 1. Block 41, Original Townsite

Case No. 18096

Action Requested:

Variance to allow parking in ultimate street right-of-way based on major street & highway plan from centerline of 15th St. (50' to 35'). **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 12**, located NE/c E. 15th St. & S. Boston Ave.

Presentation:

The applicant, **Jerry Ledford, Jr.**, submitted a site plan (Exhibit O-1) and stated that he represents Tulsa Engineering & Planning Associates. The subject property is at the corner of 15th & Boston where there is currently a Luby's under construction. The property was previously granted a plat waiver at which time, Traffic Engineering requested an additional 5' of right-of-way. The 5' was dedicated to the City. Currently the major street and highway plan requires 50' of right-of-way and they need to come before the Board for structures such as a parking lot. The parking lot currently sits 40' and they are requesting that the parking be allowed in the ultimate right-of-way which is shown on the major street and highway plan.

Mr. Stump stated that this is one of those older right-of-ways that will be changed in the future.

Interested Parties:

Bruce Bolzle, KMO Development, 400 S. Boston, stated that they anticipated that they would have to have this variance action before they sold the property to Luby's, but when they realized what was there was not required parking, they mistakenly felt that there was not an action to file, but the City sees this as an improvement or a structure and that is why they are here.

Comments and Questions:

Mr. Beach asked Mr. Ledford if there is any chance the plan will change? Mr. Ledford said it will not change.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", Cooper "abstentions"; White "absent") to **APPROVE** Variance to allow parking in ultimate street right-of-way based on major street & highway plan from centerline of 15th St. (50' to 35'). **SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS – Use Unit 12** finding the hardship to be that this is an older neighborhood and that 15th St. is being reviewed as to whether or not it is an arterial, per plan submitted, on the following described property:

TRACT A: A tract of land located in Block Seven (7), OAK GROVE ADDITION, Block Three (3), SECOND OAK GROVE ADDITION, a part of Block Three (3), THIRD OAK GROVE ADDITION, a portion of vacated Cincinnati Avenue, and a portion of the vacated alley between OAK GROVE ADDITION, SECOND OAK GROVE ADDITION, and THIRD OAK GROVE ADDITION, all of which are additions to the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plats

thereof, Plat No. 97, Plat No. 85, and Plat No 88, respectively, as filed in the records of the Tulsa County Clerk's Office, being more particularly described as follows: COMMENCING from the Southwest corner of Block Seven (7), OAK GROVE ADDITION, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded Plat No. 97, as filed in the records of the Tulsa County Clerk's Office; thence N 00°00'00" E along the Westerly line of said Block Seven (7), OAK GROVE ADDITION, said line being also the Easterly right-of-way of South Boston Avenue, a distance of 5.00 feet to the POINT OF BEGINNING; thence continuing N 00°00'00" E along the Westerly line of said Block Seven (7), OAK GROVE ADDITION, said line being also the Easterly right-of-way of South Boston Avenue, a distance of 254.79 feet to a point that is 10.00 feet Northerly of the Southwest corner of Lot Seven (7) of said Block Seven (7), OAK GROVE ADDITION; thence N 89°55'58" E parallel to and 10.00 feet Northerly of the Southerly line of Lot Seven (7) of said Block Seven (7), OAK GROVE ADDITION, a distance of 133.05 feet to the centerline of the alley between OAK GROVE ADDITION, and THIRD OAK GROVE ADDITION; thence N 00°05'08" W along the centerline of said alley a distance of 10.00 feet to a point on the prolongation of a line that is 22.00 feet Northerly of and parallel with the Southerly line of Lot Two (2), Block Three (3), THIRD OAK GROVE ADDITION; thence N 89°55'58" E parallel to and 22.00 feet Northerly of the Southerly line of Lot Two (2), Block Three (3), THIRD OAK GROVE ADDITION, a distance of 162.86 feet to the centerline of South Cincinnati Avenue as vacated by District Court Case No. CJ-96-4785, dated December 27, 1996; thence S 00°02'36" E along the centerline of vacated South Cincinnati Avenue, a distance of 264.79 feet to a point that is 5.00 feet Northerly of the prolongation of the Southerly line of Block Three (3), SECOND OAK GROVE ADDITION; thence S 89°55'58" W parallel to and 5.00 feet Northerly of the Northerly right-of-way of East 15th Street South, said right-of-way being also the Southerly line of said Block Three (3), SECOND OAK GROVE ADDITION, and the Southerly line of said Block Seven (7), OAK GROVE ADDITION, a distance of 296.10 feet to the POINT OF BEGINNING AND TRACT B: Leasehold estate created by and existing under Lease dated July 29, 1996 between the City of Tulsa, Oklahoma, a Municipal Corporation, as Lessor and KMO Development Group, Inc., an Oklahoma corporation, as Lessee, as amended by Lease Amendment #1 dated December 26, 1996 and Lease Amendment #2 dated March 10, 1997 and Lease Amendment #3 dated March 10, 1997, filed April 3, 1997 and recorded in Book 5900, Pages 2694-2709 in the Office of the Tulsa County Clerk, covering the following described parcel of land: A tract of land located in Block Two (2), SECOND OAK GROVE ADDITION, a part of Block 2, THIRD OAK GROVE ADDITION, and a portion of vacated Cincinnati Avenue, all of which are Additions to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded plat thereof, Plat No. 85 and Plat No 88, respectively, as filed in the Records of the Tulsa County Clerk's Office, being more particularly described as follows, to-wit: Beginning at the southwest corner of Block 2, Second Oak Grove Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 85, as filed in the records of the Tulsa County Clerk's Office, said point being on the northerly right-of-way of East 15th Street South; Thence S 89°55'58" W along said northerly right-of-way, a distance of 30.00 feet to the centerline of South Cincinnati Avenue as vacated by District Court Case No. CJ-96-4785, dated December 27, 1996; Thence N 00°02'36" W along the centerline of said Cincinnati Avenue and parallel to the westerly line of Block 2, Second Oak Grove Addition and the westerly line of Block 2, Third Oak Grove Addition, a distance of 269.79 feet to a point on the prolongation of a line that is 22.24 feet northerly of and parallel with the southerly line of Lot 7, Block 2, Third Oak Grove Addition; Thence N 89°55'58" E parallel to and 22.24 feet northerly of the southerly line of Lot 7, Block 2, Third Oak Grove Addition, a distance of 90.00 feet; Thence S 00°02'36" E parallel to and 60.00 feet east of the westerly line of Block 2, Third Oak Grove Addition and the westerly line of Block 2, Second Oak Grove Addition, a distance of 269.79 feet to a point on the southerly line of Block 2, Second Oak Grove Addition, said point being on the northerly right-of-way of East 15th Street South; Thence S 89°55'58" W along said northerly right-of-way of East 15th Street South, said right-of-way being also the Southerly line of Block 2, Second Oak Grove Addition, a distance of 60.00 feet to the Point of Beginning. Said combined tracts contains 101,327 square feet or 2.3262 acres. The non-astronomic bearings for said tract are based on an assumed bearing of N 00°00'00"E along the westerly line of the Block 7, Oak Grove Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 97, as filed in the records of the Tulsa County Clerk's Office

OTHER BUSINESS

Action Requested:

Request for refund for Case No. 17916, Joe Hamra Sr.

Comments and Questions:

Mr. Beach stated that Mr. Hamra filed the application in December and there were some concerns with the application and he never followed up on it. Mr. Beach has heard from Councilor Doverspike that he is withdrawing it and asking for a full refund.

Board Action:

On **MOTION** of **COOPER**, the Board voted 4-0-0 (Cooper, Dunham, Turnbo, Perkins, "aye"; no "nays", Cooper "abstentions"; White "absent") to **APPROVE** Request for full refund for Case No. 17916, Joe Hamra Sr.

There being no further business, the meeting was adjourned at 4:15 p.m.

Date approved: 8/25/98


Chair