

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 833
Tuesday, January 8, 2002, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Dunham, Vice Chair
Cooper
Turnbo
White, Chair
Perkins

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Beach
Butler

**OTHERS
PRESENT**

Boulden, Legal
Cox, Neighborhood
Inspections

The notice and agenda of said meeting was posted in the Office of INCOG, 201 W. 5th St., Suite 600, on Thursday, January 3, 2002, at 12:41 p.m., as well as at the City Clerk's office, City Hall.

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

Case No. 19269

Action Requested:

Special Exception to allow a manufactured dwelling in a CH zoned district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS – Use Unit 9; and a Variance to allow two dwelling units on one lot of record. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 231 S. 85th E. Ave.

Mr. Beach stated that the applicant, Regina Strickland withdrew the application.

Case No. 19270

Action Requested:

Special Exception for church use. SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT – Use Unit 5, located NE/c E. 91st St. & Union Ave.

Mr. Beach informed the Board that this case was advertised with the incorrect legal and would need to be continued to January 22, 2002.

Shirley Abbott Thompson, 818 S. Woodlawn, Okmulgee, Oklahoma introduced herself to the Board. There was some discussion among the Board, staff and the applicant to determine the correct legal for the subject property.

Board Action:

On **MOTION** of **Perkins**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **CONTINUE** Case No. 19270 to the meeting on January 22, 2002.

MINUTES:

On **MOTION** of **Dunham**, the Board voted 4-0-1 (White, Dunham, Turnbo, Perkins "aye"; no "nays"; Cooper "abstained"; no "absences") to **APPROVE** the Minutes of December 11, 2001 (No. 832) as amended.

UNFINISHED BUSINESS

Mr. White abstained from Case No. 19257.

Case No. 19257

Action Requested:

Special Exception for use of weddings and receptions (occupants living upstairs with receptions and weddings on first floor). SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 5, located 235 W. 18th St.

Presentation:

John Shafer, 320 S. Boston, stated he represented the owner of the subject property. The case was continued from December 11, 2001 to allow the owner to find parking provisions for the business. He submitted letters to show provisions made for parking (Exhibit A-2) with American Parking and Davies Investments, Inc. American Parking would provide 99 spaces after hours and 90 daytime spaces. Davies Investments, Inc. offer 30 after-hours parking spaces and Mr. Davies has confirmed 20 spaces during the daytime. He showed the Board where the parking lots are located on a map on the overhead screen.

Comments and Questions:

Ms. Turnbo asked if the parking spaces on the subject property meet the zoning code requirements. Mr. Shafer indicated that they do. She also asked how many cars the owner has.

Charles Sottong, 235 W. 18th St., stated that he has three cars and a three-car garage.

Mr. Cooper asked if the applicant has plans for valet parking for guest lists over a certain number. Mr. Shafer indicated that valet parking would be what most people would consider doing. Mr. Shafer submitted a form with suggested rules and hours of operation.

Ms. Turnbo stressed the serious problem of the narrow streets and too many cars parking on the street for different events prevents passage for emergency vehicles. She noted that the caterers, florists, and others preparing for the events would take up parking spaces at the property. She suggested that valet parking would be needed for any events at this location. She also asked Mr. Shafer about limiting the number of events per year to twelve. Mr. Shafer responded that would only be once per month. Mr. Sottong stated he might not have events every month but would like to have as many as possible. Mr. Shafer admitted they do not know how much business this will generate, but hoped they could have as many as two to three events on weekends.

In discussion of the case, Cooper, Dunham, Perkins and Turnbo agreed that the streets were too narrow; people are used to arriving just before an event without time for valet parking; people tend to park in the closest space they find; and that the valet parking would be unenforceable.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 4-0-1 (Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; White "abstained"; no "absences") to **DENY a *Special Exception*** for use of weddings and receptions (occupants living upstairs with receptions and weddings on first floor), finding it would not be in harmony with the spirit and intent of the Code, and would be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lots 4, 5, and 6, Block 2, Buena Vista Park, City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS

Case No. 19259

Action Requested:

Special Exception to allow an accessory building on a lot other than the lot with the residential structure. SECTION 1608.A. SPECIAL EXCEPTION, General and SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS – Use Unit 6, located 1701 S. Trenton.

Presentation:

Ron Blackwell, 1701 S. Trenton, proposes to build a storage building on Lot 1, Block 19.

Comments and Questions:

Mr. White noted the staff comment that stated there is no problem with the request, subject to a tie agreement.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye", no "nays", no "abstentions", no "absences") to **APPROVE** a **Special Exception** to allow an accessory building on a lot other than the lot with the residential structure, subject to a tie-agreement, per plan, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lots 12 and 1, Block 19, and 10' vacant alley, Orcutt Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19260

Action Requested:

Variance of the required all-weather surface parking on subject property for 3 years. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS and SECTION 1304.C. DESIGN STANDARDS FOR OFF-STREET LOADING AREAS – Use Unit 23, located 5623 S. 107th E. Ave.

Presentation:

Roy Ashley, 623 S. 107th E. Ave., stated he wants to park construction equipment, trucks, and store 1500 railroad ties on the property.

Comments and Questions:

Mr. Cooper asked of a hardship. Mr. Ashley mentioned that he would only need this for three years. Mr. Dunham asked what prompted this application.

Interested Parties:

Kevin Cox, 111 S. Greenwood, stated that a complaint was made through a community action project. When the property was rezoned IL, some businesses moved in and did not comply with the code requirement for all-weather surfaces. Mr. Ashley was notified of the violation. He asked Neighborhood Inspections for an extension, which they could not grant. Mr. Cox advised him to go to the Board of Adjustment.

Comments and Questions:

Mr. White confirmed this was only for the north lot belonging to Mr. Ashley. Mr. Beach asked if Mr. Ashley stated he plans to construct a building on the lot in three years. Mr. Ashley replied in the affirmative. Mr. Beach asked how many vehicles are parked there. Mr. Ashley replied there are eight vehicles; they leave once per day and return. Mr. White asked if any other construction material is stored there. Mr. Ashley responded there is no other construction material.

Comments and Questions:

Ms. Perkins noted it is on a dead end street and storage could be kept to a minimum. Mr. White agreed that the area was changed with the construction of U.S. Highway 169. Mr. Cooper was concerned there was no hardship. Mr. Dunham pointed out there are no neighbors on the east, just a detention pond. Mr. White stated that it is not a very visible property.

Board Action:

On **MOTION** of **Perkins**, the Board voted 3-2-0 (White, Dunham, Perkins "aye"; Turnbo, Cooper "nay"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of the required all-weather surface parking on subject property for 18 months, no more than 10 vehicles on property, and allow storage of no more that 1500 railroad ties, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lot 2, less beg. at the NE/c, thence S 161.50' W 386.92' N 161.48' E 385.22' to the POB for detention basin, Block 1, Golden Valley, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19261

Action Requested:

Variance to allow detached accessory building in front yard. SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; and a Variance of required front yard of 50' from centerline of street to 25.6'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located 6938 E. Newton St.

Presentation:

Jay Baker, 1861 E. 15th St., stated he was representing the owners, Mr. and Mrs. Son Rockstroh. He informed the Board that the contractor did not obtain a building permit for the carport. Mr. Baker stated that his understanding was that in 1997 or 1998 when the carport was built it was consistent with the zoning code, but the code was changed and it was no longer in compliance. They are asking for the variance because to remove the carport would mar the looks of the house and the

applicants would not be able to afford to repair the house. He stated there are two other covered patios constructed at about the same time. Mr. Baker submitted photographs of the structure and other similar structures in the neighborhood (Exhibit C-1).

Comments and Questions:

Mr. Beach asked how the carport is attached to the house. Mr. Baker indicated that it was attached to the rafters on each end. Mr. Beach noted that it appears to have a pitched, composition roof. Mr. Baker stated that it was aluminum. Mr. Baker pointed out there are several carports in the neighborhood. Mr. White asked if the second story of the house existed when the carport was added. Mr. Baker stated the second story was pre-existing.

Interested Parties:

Eileen Cook, 6948 E. Newton, stated that the second story was pre-existing and the carport is not attached to the rafters. She stated that it covers enough of the yard to park three cars and even a fourth one across behind them. She was opposed to the width and added that it is only 15' to 20' from the curb. It causes a traffic hazard because it is so close to the street. She informed the Board that Newton is a through street and sometimes traffic is too fast. There are several children in the area. She complained that most of the yard has been paved.

Comments and Questions:

Mr. Beach informed the Board that the application was filed for a detached accessory building. A zoning plans review found it to be a detached accessory building.

Interested Parties:

Tracy Harris, 2441 E. 22nd St., stated that his parents own the property immediately to the east of the subject property. He described the area as a mature residential neighborhood. He added that he was representing them. He stated that the structure expands to the breadth of the yard; the curb appears to have been removed; and there is parking in the place of the original yard. He stated that it was not characteristic of the neighborhood, but appeared more like commercial property.

Applicant's Rebuttal:

Mr. Baker responded that a real safety hazard would be to have the three vehicles parked on the street. He stated that near one-half of the original garages in the neighborhood are now dens or bedrooms. Mr. Cooper asked for the hardship. Mr. Baker replied the hardship is because the law changed, and the inability to restore the property to the previous condition.

Mr. White stated that the house has been overbuilt, the yard paved, the curb removed, and the relief would put the carport 6/10 of a foot from the property line. Mr. White said you have to have a permit to remove the curb. Mr. Dunham

objected to the oversized carport and driveway. Mr. Cooper, Ms. Perkins and Ms. Turnbo concurred with Mr. White.

Board Action:

On **MOTION** of **Perkins**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye", no "nays", no "abstentions", no "absences") to **DENY** a **Variance** to allow detached accessory building in front yard; and a **Variance** of required front yard of 50' from centerline of street to 25.6', finding that it would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lot 3, Block 2, Sun Valley Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19262

Action Requested:

Variance to allow parking on a non-all-weather surface. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 23, located 1928 N. Sheridan.

Presentation:

Otis Collins, Rt. 3, Box 493, Wagoner, Oklahoma, stated that the property has been the location of a trash business since 1970. He was told he had ten days to put in an all-weather surface but he could not make the deadline. He stated that the owner would not sell the property to him and he has rented it on a per month basis.

Comments and Questions:

Mr. Dunham asked how many trucks he has. Mr. Collins responded that he has nine or ten. Mr. White noted that the business has expanded, and about 30 to 35% of the property would fall within the non-conforming use according to the aerial photographs. Mr. Beach stated that once the business expanded he lost the non-conforming use.

Interested Parties:

Kevin Cox, 111 S. Greenwood, stated that prior to 1970 there was a non-conforming parking surface with circle driveway. Since that time it has been expanded and that is why Neighborhood Inspections sent out notices. Mr. Cox advised the applicant to file for a variance of the all-weather surface.

Delbert Howard, 1962 N. Sheridan, stated he is the pastor of a church immediately north of the subject property. He objected to the hazardous materials that run-off the subject property onto the church property. He asked that they be

required to meet all of the zoning code requirements. He also made the complaint that there is no screening fence on the north.

Mr. White stated that a letter of protest was received regarding the dust from the property blowing toward the residences to the west.

Applicant's Rebuttal:

Mr. Collins responded that he put in a screening fence to the west for the residences. Mr. Beach informed the Board there is a requirement for a privacy fence on the west but not on the other sides.

Board Action:

On MOTION of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye", no "nays", no "abstentions", no "absences") to APPROVE a Variance to allow parking on a non-all-weather surface for a period not to exceed six months, finding the business has existed there for many years, but now it has expanded and is no longer a non-conforming status, on the following described property:

Lots 2 and 3, Green Acres, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19263

Action Requested:

Variance to allow a detached accessory building to be 1,050 sq. ft. of floor area, in lieu of 500 sq. ft. maximum. SECTION 402.B.1.d. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6, located 7882 E. King St.

Presentation:

James Taylor, 7882 E. King St., stated that his hardship is he does not have a garage. The structure is already built. It is a pole barn style, pre-fabricated, and matches the house. He originally planned to build a privacy fence on the south.

Comments and Questions:

Mr. White noted that the only access is from the neighbor's lot. Mr. Taylor responded that the neighbor has given him permission to the access from Memorial through his yard. Mr. Dunham asked about the use of this building. Mr. Taylor replied to park a boat, car and pool table. Mr. Dunham commented that a 1,000 square feet is considerably larger than a normal garage of 400 to 500 square feet. Mr. Taylor stated he also has a motorcycle to park in there. Mr. Beach asked if the neighbor has agreed to an access easement, and if it has been filed. Mr. Taylor responded that the neighbor is willing but it has not been filed yet. Mr. Beach added that it would require a curb cut and driveway permits from the City of Tulsa to get legal access from Memorial.

Interested Parties:

Dorothy C. McClure, 7887 E. Jasper, stated she lives directly behind the subject property and property where driveway would be put in. She informed the Board that she and her neighbors have made repeated calls to the building permit office, but nothing happened. She objected to the hardship it would cause to have another driveway off of Memorial in the area and to the large size. She considers the building inappropriate for the property.

Comments and Questions:

Mr. Taylor submitted photographs (Exhibit E-1) to the Board. Mr. Cooper asked Mr. Taylor the size of the house. Mr. Taylor replied that the house is about 950 to 1,000 square feet. Ms. Perkins commented that according to the code 500 square feet for this structure would be the maximum.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye", no "nays", no "abstentions", no "absences") to **DENY** a **Variance** to allow a detached accessory building to be 1,050 sq. ft. of floor area, in lieu of 500 sq. ft. maximum, finding a lack of hardship, on the following described property:

Lot 2, Block 4, Maplewood 3rd Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19264

Action Requested:

Variance of the required side yard setback in an RM zoned district to 5' and 9' for an accessory building. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 1233 S. St. Louis.

Presentation:

Mark Thurston, 1720 S. Detroit, stated he is the owner of the property and was representing the applicant. The applicant proposes to construct a three-car garage for a single-family residence. This is a rental property and there is no garage or storage. The street is narrow and the driveway is narrow and difficult to use. Mr. Thurston stated he owns the two four-plexes that are immediately south of the subject property. He added that this would provide parking for his tenants and storage for ladders and lawnmowers, to work on the properties.

Comments and Questions:

Mr. White pointed out that staff suggested the building could be rotated 90° and meet the code requirements. Mr. Thurston did not consider the suggestion to make it very useful, putting the structure too close to the house, and he hoped to add three parking pads between the alley and the new structure.

Mr. White commented that a neighbor wrote a letter of objection to the Board, indicating that a mini-storage was going to be built. Mr. Thurston replied there is no such plan. Ms. Turnbo asked what percent of the structure would be storage. Mr. Beach expressed concern that the building could not be rotated so there is plenty of room all around it. Mr. Thurston responded that the parking pad would be to the east of the garage and if the garage is turned they would be facing the side of the garage and a lot of concrete.

Interested Parties:

Mr. Boulden stated that an interested party had to leave and left written comments. The party was **Judy Morgan Welch**, 1148 S. St. Louis.

Pat Worthington, 1309 S. Trenton, stated she opposes the application because there are a lot of homeless people that walk the area. She was concerned about storage units causing an increase in crime.

Joshua Gilling, 1229 S. St. Louis Ave., stated he lives next door to the subject property. He opposed the application because you would be able to see it from the street. The each of the tenants in Mr. Thurston's apartment complex are expecting a rental storage space made available to them. He felt it would increase storm water drainage onto his and other neighboring properties. Mr. Thurston indicated it would block emergency vehicles from getting to the rear of the property. He thought it would ruin the appearance of the neighborhood.

Samuel Grayson, 1227 S. St. Louis, stated his objection to the sideyard setbacks, as not compatible with the homes in the neighborhood. It would set a precedent for more oversized structures to be built and change the overall appearance and use of the property. He was concerned that it would increase traffic and noise level in the alley. He indicated that it would decrease the property value of his home. He opposes storage units as potential space for crime such as stolen property, meth labs, and an additional fire hazard.

Mr. White reminded the Board that though the interested parties have referred to single-family dwellings, the zoning is RM-2.

Applicant's Rebuttal:

Mr. Thurston assured the Board that it is not going to be storage units, but a garage. He stated that he would evict any tenant involved in illegal activity. Mr. White asked if two of the garage spaces would be for tenants and one for the owner. Mr. Thurston replied in the affirmative. He suggested the possibility that an apartment tenant might have the option to use a garage space. He indicated that the building would have guttering to help with drainage. He also stated that the setbacks could be seven feet on each side if the Board thought that would be better.

Ms. Turnbo suggested that the garage could be built 24' x 30' and be in compliance to the code. Ms. Perkins was concerned about possibilities of the garage being rented out. Mr. Cooper commented that the hardship is self-imposed.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye", no "nays", no "abstentions", no "absences") to **DENY** a **Variance** of the required side yard setback in an RM zoned district to 5' and 9' for an accessory building, finding a lack of hardship, and finding it would cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

Lots 43 and 44, Block 6, Forest Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19265

Action Requested:

Variance to reduce required rear setback from 25' to 17' for garage addition. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS – Use Unit 6, located 2420 S. Owasso Pl.

Presentation:

George Shaffer, 2420 S. Owasso Pl., stated this property is their home. He submitted a site plan, photographs and a letter to the Board. (Exhibits G-1,G-2, and G-3).

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye", no "nays", no "abstentions", no "absences") to **APPROVE** a **Variance** to reduce required rear setback from 25' to 17' for garage addition, per plan, finding the hardship to be the topography of the lot and layout of the property, on the property described as follows:

Lot 8, Block 16, Sunset Park Addition, City of Tulsa, Tulsa County, State of Oklahoma.

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Case No. 19267

Action Requested:

Special Exception to allow a mobile home on an AG zoned property. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 9; and a Variance for 2 mobile homes on one lot of record, these will be attached. SECTION 207. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD, located 4720 N. Birmingham Pl.

Presentation:

Yvonne White, 4720 N. Birmingham Pl., stated that she has a variance for her mobile home and she wants to add an addition to the existing mobile on a permanent foundation.

Mr. White out at 3:02p.m.

She added that it will be covered with the same siding and will not be an obvious addition.

Comments and Questions:

Mr. Beach asked if they would be able to move from one to the other parts inside the home without having to go outside. Ms. White replied in the affirmative.

Interested Parties:

Bobby Jean Hall, 2574 E. 47th Pl. N., understood that another mobile home was going to be moved in. She was concerned about increased traffic because they have traffic 24° a day.

Mr. White returned at 3:04 p.m.

She stated that another mobile home has already been moved on the property. She stated there is also a garage on the property.

Bill Wright, 2574 E. 47th Pl. N., stated his concern for storm water drainage off the subject property. He personally keeps the streets clean of the gravel of the temporary roadway that goes back to the property. He also stated he keeps the sewer clear of trash. He was concerned about the appearance of the property and the increased traffic. Mr. Dunham reminded him that it will only be one dwelling.

Applicant's Rebuttal:

Ms. White stated that the other mobile on the property is the one she wants to attach to her home. She informed the Board that it would still only be her and her son at the home, so there will be no increased traffic.

Board Action:

On **MOTION** of **Turnbo**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye", no "nays", no "abstentions", no "absences") to **APPROVE** a **Special**

Exception to allow a mobile home on an AG zoned property; and a **Variance** for 2 mobile homes on one lot of record, these will be attached to make one single-family dwelling, per plan, with condition that they are open to move from one to the other from the inside, [this is not for a mobile home park], finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, on the following described property:

SE SW SW & S/2 SE SW less beg. SE/c S/2 SE SW W 366.62' NE 677.42', thence E along N line to NE/c, thence S along E line to POB, Section 8 T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 19268

Action Requested:

Variance of the required all weather surface for parking vehicles for one year on proposed drive and pick up area. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS – Use Unit 15 & 17; and a Variance of hard surface for trailer storage areas. SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS, located 8344 E. 11th St.

Presentation:

Aaron Wiltshire, 553 S. Hudson, asked for a one year variance of the code requirement for an all-weather surface. He purchased property two years ago and has been making improvements to the property. He plans to make significant landscape improvements to the property to enhance the business appeal. There are some trees they would like to preserve, and he wants time to plan so it will not damage the trees.

Interested Parties:

Al Nichols, 8525 E. 16th St., stated he was representing the East Tulsa Mingo Valley Association and Mingo Valley Homeowners Association. He commented that he did not hear a hardship in the presentation.

Applicant's Rebuttal:

Mr. Wiltshire stated he was aware that numerous businesses along 11th Street are an eyesore. He plans to make his property very attractive, and usable. He wants to develop it slowly, so that it is well planned.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **DENY** a **Variance** of the required all weather surface for parking vehicles for one year on proposed drive and pick up area; and a **Variance** of hard surface for trailer storage areas, finding a lack of hardship, on the following described property:

Lot 1, less Beg. SE/c, thence N 162.00', W 159.11', S 162.38', E 159.17', POB, and Lot 2 less Beg. SW/c, thence N 162.77', E 155.99', S 162.38', W 156.00' POB, Block 2, Forest Acres, City of Tulsa, Tulsa County, State of Oklahoma.

Ms. Turnbo directed Neighborhood Inspections per Kevin Cox to investigate BOA Case No. 18784, regarding the all-weather surface parking space.

Case No. 19271

Action Requested:

Special Exception to allow a duplex in an RS-3 district. SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS – Use Unit 7, located 1616 N. Elwood.

Presentation:

Bill Lager, 7744 E. 106th St., stated he owns two pieces of land on N. Elwood, both are 50' wide each with depths of 120' and 130'. He proposed to build a duplex across the two lots.

Comments and Questions:

Mr. White mentioned the staff comments, asking why two single-family dwellings could not be built moving them five feet from the property line. Mr. Lager replied that it is narrow and there are duplexes in the area already.

Joyce Sanborn, 1412 E. 38th St., Suite C, stated that they want to build a duplex so they don't overburden the neighborhood. It would be in keeping with the neighborhood, where there is a duplex one block back and another two blocks away.

Ms. Turnbo suggested that a tie-agreement would be necessary. Mr. Beach noted that two units that don't meet the side yard requirements.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On **MOTION** of **Dunham**, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** a **Special Exception** to allow a duplex in an RS-3 district, finding it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 9, Block 5, Morley Addition, less and except the following, to-wit: Beg. at the SW/c of said Lot 9; thence N along the W line a distance of 50.00' to the NW/c ; thence SEly to the S line of said Lot 9 to a point 128.33' W of the SE/c; thence W

along the S line of said Lot 9 a distance of 20.00' to the POB; AND Lot 10, Block 5, Morley, less and except the following, to-wit: Beg. at the SW/c of said Lot 10; thence N along the W line a distance of 50.00' to the NW/c of said Lot 10; thence E along the N line of said Lot 10 a distance of 20.00'; thence SEly to the S line of said Lot 10 to a point 108.55' W of the SE/c of said Lot 10; thence W along the S line a distance of 40.00' to the SW/c and POB, all located within the City of Tulsa, Tulsa County, State of Oklahoma.

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There being no further business, the meeting was adjourned at 3:35 p.m.

Date approved: JANUARY 22, 2002



Chair

