

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 261  
Thursday, May 25, 1978, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis Smith Purser, Chairman	Jolly Walden	Gardner Jones Cohen	Jackere, Legal Department Miller, Mrs. Building Inspec- tor's Office

The notices of said meeting were posted in the Office of the City Auditor, 9th Floor, Room 919, City Hall, Tulsa Civic Center, on May 23, 1978, as well as in the Reception Area of the TMAPC Office, 3rd Floor, City Hall.

The Chairman called the meeting to order at 1:37 p.m. and declared a quorum present.

NEW APPLICATIONS:

9956

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the frontage requirements from 300' to 166' in an AG District located at 12605 South Elwood Avenue.

Presentation:

Orvel Wolf requested a variance to permit construction on this property which he had given his daughter, advising the Board that this lot was over two and a half acres but did not meet the 300' frontage required to obtain a building permit. Upon questioning by Board Member Smith, Mr. Wolf advised that he owned the adjoining property and that the hardship was the shape of the lot.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the frontage requirements from 300' to 166' on the following described tract:

The South 166' of the North 566' of the West 660' of the NW/4, SW/4, of Section 1, Township 17 North, Range 12 East, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1214 - Shopping Goods and Services) to operate a furniture and appliance store in an IL District, located at 1575 North Mingo Road.

Presentation:

Donna Pitts requested permission from the board to sell furniture out of the former Git-n-Go store she was leasing, because it was located in an industrial district.

Upon questioning by the Chairman, Mrs. Pitts stated that she would sell only used furniture out of her store, and that there used to be a mobile home park in the lot next to hers.

Board Member Smith asked if she was in jeopardy of flooding now, because there was a flood there two years ago, and she stated that she hadn't talked to the city engineer about it. The Git-n-Go itself did not flood because it is at a higher elevation. Upon further questioning by Board Member Smith, Mrs. Pitts informed the board that she was going to start with used furniture and that she hoped to sell new furniture in the future, that all the furniture will be kept inside the store and that unloading will be done through a large sliding door in the front.

Board Member Lewis asked about the parking, and Mrs. Pitts showed the board a survey of the building and the existing parking areas. After being questioned by the Chair, Mr. Gardner stated that there is a mixture of several types of zoning districts and uses across Mingo.

Protests: None

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye" Jolly and Walden "absent") approved the Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1214 Shopping Goods and Services) to operate a furniture and appliance store, limiting the use to the sale of furniture and appliances solely within the existing structure, in an IL District on the following described tract:

A tract of land located in Lot 4, Section 30, T-20-N, R-14-E Tulsa County, Oklahoma, more particularly described as follows, to wit:

Beginning at a point in said Lot 4, Section 30, said point being 811.4 Feet North along the West line of said Section 30 and 90.0 feet East of the SW Corner of said section 30, thence S 89°-58' E a distance of 153.0 feet; thence S 0°-02' W a distance of 110.0 feet; thence N 89°-58' W a distance of 153.0 feet; thence N 0°-02' E a distance of 110.0' to the point of beginning. Containing 0.39 acres, more or less.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use and parking, in an RS-3 and RM-1 District located in the vicinity of 2821 West 40th Street.

Presentation:

L. R. Gann, trustee of the Red Fork Baptist Church, requested parking on all lots under application because the church serves several surrounding areas and additional parking is a necessity. Upon questioning by the Chairman, Mr. Gann stated that lots 18 and 19 in Block 39 have been utilized for parking for several years. The church would now like to have Lots 1 through 12 of Block 38, now in the process of being purchased, approved for parking use also. Mr. Gann stated that the church is familiar with all parking rules and regulations. The Chairman asked Mr. Gardner if the Church would be required to have a fence? Mr. Gardner advised that a screening fence is required along each boundary that abuts a residential zoning district, unless separated by a public street.

Board Member Lewis asked about present fencing on the west side of the property, and Mr. Gann stated that the Reheard's (adjoining property owners) have a 4 foot fence. The Board reviewed the applicant's plot plan (Exhibit A-1). The Chairman asked Mr. Gann about the "open" side referred to in the protestant's letter, upon which there was a basketball goal, and he stated that the Church would have no objections to putting up a screening fence.

Mr. Jackere, Assistant City Attorney, asked why this application is for an exception and not for a variance since parking is not contiguous to the Church use. Mr. Gardner stated that the application was advertised for both Church use and related off-street parking. The Board can limit the use to parking only rather than construction of buildings on these lots. Mr. Gann informed the Board that the Church would have no objection to taking the words "church use" out of the application because the only intentions of the Church are to use these lots for parking.

Protests:

There was a letter of protest (Exhibit A-2) from Hazel R. Slavens, written for her mother, Mrs. Nelson Reheard, requesting that a solid fence be put up, by the Church, where the Church parking lot touched Mrs. Reheard's property. There were no objections to the Church.

Mr. Gann was asked to initial the fence lines on the plot plan.

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved Exception (Section 410 - Principal

9970 (continued)

Uses Permitted in Residential Districts (Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use with the stipulation that the Church put in a screening fence from the southwest corner of the Reheard property north along the Church's east property line going north to the property line on 39th St., and the Church must also fence the west property line in Block 38 running between 39th and 40th streets, on the following described tract:

Lots 18 & 19 Block 39; and Lots 1 through 12, inclusive, Block 38, All in the original Townsite of Red Fork, Addition to the City of Tulsa, Oklahoma.

9971

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) for a variance of the setback requirements in an IL District from 25' to 6' located SE of Oklahoma Place and Troost Avenue.

Presentation:

Mrs. Gail R. Williams requested permission to build within 6' of the north property line rather than 25' as requested. We are proposing a metal structure which will be 75' by 35' and 16' high, to be lined up with the existing structure to the east. The building wall will serve as screening since it is a solid wall. The placement of the new building as proposed will permit more parking spaces on the south side of the new structure as well as a loading zone. The applicant reviewed a plot plan (Exhibit B-1) with the Board. Upon questioning by Board Member Smith, Mrs. Williams stated that the former salvage yard directly south of her property was presently being used for parking and will continue to be used for this after the new structure is built. Mrs. Williams was advised that since there are residences across the street to the west she will have to put up a 6' screening fence. She stated that there would be no doorways on the north and west sides of the structure but only on the south side. The fence would be solid, any openings at all on the north and west would be for ventilation purposes only.

Protests: None

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) for a variance of the setback requirements in an IL District from 25' to 6' per plot plan with the stipulation that a privacy fence be placed along the east side of Troost, on the following described tract:

Lots 10, 11, and 12, Block 4, Utica Addition to the City of Tulsa, Oklahoma.

9972

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect 14 duplexes in an RS-3 District located at 79th Street and Sheridan Road.

Presentation:

Theodore A. Sack, of Sizemore, Sack and Sizemore Engineering Firm, on behalf of Roger McWilliams, the owner, requested permission to construct duplexes on the 14 lots. He discussed with the Board a copy of the plat (Exhibit C-1). The Chairman specified that 7 of the 14 lots were on Block 1 and that the remaining 7 lots were on Block 2. The staff and Board familiarized themselves with the zoning etc. in the immediate area of the 14 lots discussed in the application.

Mr. Gardner suggested that the Board require that something be filed in the clerk's office on Lot 8 so that it's future owner is aware that a duplex will be located on Lot 7.

Protest: None.

Board Action:

on MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect 14 duplexes as presented in an RS-3 District, subject to a notification being filed of record in the Clerk's office for Lot 8 which states that Lot 7 has been approved for duplex use, on the following described tract:

Lot 1 through 7, inclusive, Block 1; and Lots 1 through 7, inclusive, Block 2; all in Deer Hollow Estates Addition to the City of Tulsa, Oklahoma.

9973

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on a corner lot from 30' to 15' in an RS-2 District located at 3107 East 84th Street.

Presentation:

Jerry McArtor requested a variance of the required setback due to a large oak tree situated in the middle of the lot under application. The buyers of the home are buying only under the stipulation that relief will be granted. Mr. McArtor stated that similar relief had been granted in the past and that if relief is granted once again, there will be a large side lot, in order to save the oak tree. Mr. McArtor presented a photo (Exhibit D-1), a blueprint (Exhibit D-2), and a plot plan (Exhibit D-3), to the Board.

5.25.78:261(5)

9973 (continued)

Mr. Artor has had a tree specialist examine the situation, and he stated that anything less than ten feet within the tree is dangerous. There were no comments or questions from the Board or the staff.

Protest: None present. Staff submitted letter of protest (Exhibit D-4).

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on a corner lot from 30' to 15' per plot plan in an RS-2 District on the following described tract:

Lot 1, Block 1, Walnut Creek V Addition to the City of Tulsa, Oklahoma.

9974

Action Requested:

Variance (Setback 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variance) of the setback requirements on corner lots from 25' to 15' in an RS-3 District, located at 77th Street and Sheridan Road.

Presentation:

Mr. Bob Hensley, engineer for Wayen Cozort and Sheridan Valley Addition requested a 15' building line setback to enable him to have a larger rear yard. He presented 2 blueprints (Exhibit E-1 & E-2) to the Board. On Lots 13 and 14 relief is needed due to a tree lined creek which will be left in its's natural state--no trees will be removed, nor will the channel be realigned.

Mr. Gardner expressed concern with the possibility that these homes might end up with a 15' rear yard. A 20' minimum rear yard should be required.

Protest: None.

Board of Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved a Variance (Section 430- Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 25' to 15' per plot plan, except that the lots adjacent to Sheridan Road maintain a minimum 20' setback in an RS-3 District, on the following described tract:

Lots 1, 2, 3, 7, 8, 14, 15, 21, 24, & 25, Block 2; and Lots 1, 13 & 14, Block 1, Sheridan Valley Addition to the City of Tulsa, Oklahoma.

The applicant was asked to initial changes on his exhibits.

Action Requested:

Variance (Section 1218.4 - Multifamily Dwelling and Similar Uses - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670 - Variances) of the parking requirements in an RM-2 District for an elderly housing project from 1.5 parking spaces per dwelling unit to .7 spaces per dwelling unit; and a Variance (Section 206 - Number of Dwelling Units On One Lot - Under the Provisions of Section 1630 - Minor Variances) of the number of units on one lot from 40 units to 72 units, in an RM-2 District located S. & E. of 107th E. Ave., & 41st St.

Presentation:

Mr. Charles Norman, attorney, requested permission to build an FHA insured housing project for the elderly, with 84 parking spaces and 72,000 square feet of building area. Mr. Norman felt that this particular type of housing could fall under Use Unit 5 where several similar types of housing (fewer parking spaces required) has been approved by the Board in the past. The requirements for parking under Use Unit 5 are one parking space for each 1,000 square feet of building area. Mr. Norman requested a variance to approve the parking layout and the number of parking spaces according to the plot plan (Exhibit F-1) so long as this project is used to house the elderly pursuant to FHA regulations.

Mr. Norman stated that FHA has accepted projects on the basis of one half a space (.5) per dwelling unit in the past.

Upon questioning by board member Lewis, Mr. Norman stated that his proposed building was not a nursing home and that there would not be a permanent staff.

Protests: None.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden, "absent") approved a Variance (Section 1218.4 - Multifamily Dwelling and Similar Uses - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670 - Variances) of the parking requirements in an RM-2 District for an elderly housing project from 1.5 parking spaces per dwelling unit to .7 spaces per dwelling unit; and a Variance (Section 206 - Number of Dwelling Units On One Lot - Under the Provisions of Section 1630 - Minor Variances) of the number of units on one lot from 40 units to 72 units, with the stipulation that the land be used to house the elderly only pursuant to the FHA regulations, per plot plan submitted on the following described tract:

Lot 2, Block 1, Towne Centre II Addition to the City of Tulsa, Tulsa County, Oklahoma.

9976

Action Requested:

Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) for a modification of the Screening requirements where existing physical features provide visual separation of uses in a CH District, located NE of 2nd Street & Peoria Avenue.

Presentation:

The Staff advised that the applicant was not present.

Board Action:

There being no objection, the Chair continued application 9976 to June 1, 1978, 1:30 p.m., Langenheim Auditorium, City Hall  
Tulsa Civic Center.

9978

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate a child care center in an RS-3 District located at 1436 East 56th Street North.

Presentation:

The Staff advised that the applicant was not present.

Board Action:

Their being no objection, the Chair continued application 9978 to June 1, 1978, 1:30 p.m., Langenheim Auditorium, City Hall  
Tulsa Civic Center.

9979

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to maintain a duplex in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for a variance of the bulk and area requirements to allow a duplex to remain, located at 1501-1503 South Knoxville Avenue.

Presentation:

Lewis A. Smith requested that the use of the property be changed from single-family to duplex because the duplex has been on the lot for approximately 30 years. The reason that he came before

9979 (continued)

the Board is that he had a need for a building permit, to clear up the abstract, and he was told that a change of use would also be required via the Board. Mr. Lewis discussed some pictures of the duplex (Exhibit G-1) with the Board.

Protests: None.

Board Action:

On MOTION Of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to maintain a duplex in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for a variance of the bulk and area requirements to allow a duplex to remain, located at the following described tract:

Lot 1, Block 4, Sunrise Terrace Addition to the City of Tulsa, Oklahoma.

9980

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to locate a mobile home in an AG District located NE of 80th Street North and Lewis Avenue.

Presentation:

Mrs. Margaret A. Brashear requested permission to locate a mobile home on the ten acre tract. There are a few other mobile homes in this sparsely populated area, and Mrs. Brashear would like to locate her mobile home on the south part of the lot to be used by members of her family only.

The Board showed some concerns about flooding, and the entrance into the area where the mobile homes will be located.

Mrs. Brashear submitted a plot plan (Exhibit H-1) to the Board which was discussed and she explained to the Board that the elevation of the trailer is above the floodplain.

Protests: None

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to locate a mobile home for a period of 7 years at which time she would have to again come before the Board for approval on the following described tract:

9980 (Continued)

NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , of Section 29, Township 21 North, Range 13  
East Tulsa County, Oklahoma

9981

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) for a variance to permit building across lot lines in an RS-1 District located N. & W. of 19th Street and 89th E. Avenue.

Presentation:

The applicant, George Hanks, was not present at this meeting; however, he was present at the meeting on May 18, 1978. Mr. Jones discussed the case with the Board, stating that Mr. Hanks wished to build in the middle of the two lots.

Protests: None

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the provisions of Section 1630 - Minor Variances) to permit building across lot lines in an RS-1 District located on the following described tract:

Lots 1 & 2; and Lots 9 & 10, all in Block 1, Tracy Lane  
Addition to the City of Tulsa, Oklahoma.

9982

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District; a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1630 - Variances) of the 5-acre minimum for a mobile home in an AG District; and a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the 300' frontage requirements for property which has no frontage on a dedicated street, located at 1929 West 118th Street.

Presentation:

Mrs. Kenneth W. Jones requested permission to temporarily locate a mobile home on the subject property, which is L-shaped and contains 2.26 acres, during the construction of a permanent residence on the property.

9982 (continued)

When questioned about the access to her property, Mrs. Jones stated that she had a verbal agreement giving her access via the adjoining property. Also, she felt that the construction would be completed within one year, rather than three.

Mrs. Jones submitted a blueprint (Exhibit I-1) to the Board.

Protests: None

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Exception - (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1630 - Variances) of the 5-acre minimum for a mobile home in an AG District; and a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the 300' frontage requirements for property which has no frontage on a dedicated street, for a period of three years, or until construction of permanent residence has been completed, whichever occurs first, on the following described tract:

A portion of the NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of Section 34, T-18-N, R-12-E, Tulsa County, Oklahoma more particularly described as follows: Beginning at a point 1035.63' W of SE/c NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ; thence North 415' East 215.2'; north 211.13'; West 299.8'; South 626.13'; and East 84.6'; to point of beginning; containing 2.26 acres more or less; and an easement for access purposes over the following described property; Beginning at a point on the E/Line of the NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sect. 34; T-18-N, R-12-E, Tulsa, Co., Okla.; 396.08' N of the SE/c thereof; Thence West 820.43'; North 50'; East 820.43' and South 50' to point of beginning; excluding that portion within R/W limits of US #75

9984

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split, located at 3630 East 76th Street North.

Presentation:

Mr. Jones advised the Board that this case has been withdrawn by the applicant.

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements in a CS District; and an Exception (Section 250.3 - Modification of the Screening Requirements) for a modification of the screening requirements, in a CS District located at 2404 North Sheridan Road.

Presentation:

Mr. Roy Johnsen, representing Thrifty Rent-A-Car, owner of the property under application, advised that the property is a little over an acre in size and is used for the administrative offices of Thrifty Rent-A-Car. The service facility is immediately on the North side of the Gilcrease expressway, also on the West side of Sheridan, at a property totally removed from the tract under application. The property is presently zones CS, whereas the use being made is for offices only, which would normally require an OL zoning. Mr. Johnsen submitted a plan (Exhibit J-1) to the Board for review.

When the Chairman asked for the building inspector's report, Dortha Miller advised the original letter stated denial because they had to have a 50' setback from the centerline of North Oxford, they could not cover more than 50% of their lot and that they would be required screening on the north side of the property line. Mr. Johnsen stated that the applicant is not seeking any variance for permitted floor area, but for an expansion totaling 1460 sq . ft. The existing building is 6879 Sq. Ft. Those two total 8339 and under the present zoning the permitted floor area would be 12,700 plus or minus, so the applicant is about 4,000 sq . ft. below what would be permitted in terms of floor area.

Upon questioning by the Chair, Mr. Johnsen stated that there are several dwellings across Oxford Avenue to the west and that he is not sure if they are single-family homes or duplexes.

Protests: None

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements in a CS District; and an Exception (Section 250.3 - Modification of the Screening Requirements) for a modification of the screening requirements, with the stipulation that the architecture of the new structure match the existing building per plot plan submitted on the following described tract:

That part of Block 7, Amended Plat of Happy Homes Addition, according to the recorded plat thereof, lying South of Gilcrease Expressway, more particularly described as follows, to wit:

9985 (continued)

Beginning at the Southeast corner of said Block 7; thence West a distance of 130.4 feet; thence North to the Southerly right of way line of the Gilcrease Expressway, a distance of 239.06 feet; thence Southeasterly along the aforementioned right of way line, a distance of 158.47 feet; thence South a distance of 149.3 feet to the point of beginning, and known as 2404 North Sheridan Road.

9988

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit the sale of new and used automobiles and pick-ups in a CS District, located at 3130 South Memorial Drive.

Presentation:

Mr. Jimmie W. Lloyd requested an exception for his lot to contain a used car sales proprietorship, Jr's Auto Mart. He was told he needed this permission from the Board, because the property was recently rezoned to a CS district from the original U3DH which permitted the use by right. This auto agency will be sales only, no maintenance, and will consist of approximately 35 automobiles outside, with room for 7 in the showroom area, all of recent vintage. The tenant who wishes to sell these used cars is Vernon Gibson, Jr. and he presently sells cars on this lot.

Mr. Gibson was informed by the City, the day he leased the property from Mr. Lloyd, that it would be unwise to begin auto sales without the permission from the Board, but he felt it was financially impossible for him to wait any longer since the Board did not have a quorum last meeting and continued his application until today.

Protests:

Mr. Charles Dunn, attorney, representing Geneva Ishmal, owner of the Hickory Kitchen, advised the Board that the matter is in litigation at the present time. Mrs. Ishmal is also a leasee of Mr. Lloyd, and with the commencement of the auto sales agency, it is impossible for her restaurant to be seen from the street (Memorial Drive). Due to the chain and its posts, put up by Mr. Gibson, about one half of Mrs. Ishmal's driveway is blocked.

Mr. Lloyd submitted some aerial plans of the area and they were discussed. The Board was advised that Mrs. Ishmal does not have frontage on Memorial Drive. The Board felt that this matter was out of their realm of duty and that it should be settled by the appropriate parties.

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Exception (Section 710 -

5.25.78:261(13)

9988 (continued)

Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit the sale of new and used automobiles and pick-ups in a CS District, with the stipulation that there be no more than 35 automobiles outside & 7 inside, sales only late model vehicles as presented ( all subject to the 2 year 24,000 mile warranty), and that there be absolutely no auto repair or general maintenance on the described tract:

East 120' of the South 50' of Lot 1; and the East 120' of the North 50' of Lot 3, Interchange Center Addition to the City of Tulsa, Oklahoma.

9977

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provision of Section 1670 - Variances) of the setback requirements from 85' to 65' from the centerline of Garnett in an RS-2 District located at 11306 East 6th Street.

Presentation:

Mr. Charles G. Hensley of Tuloma Home Service requested permission to add an 18' by 24' den on the back of his existing residence.

Upon questioning by the Chair, Mr. Hensley advised that he was not getting any closer to the street with his new structure, and his setback from the center of Garnett is 65' presently and the ordinance calls for 85'.

Mr. Hensley submitted a plot plan to the Board (Exhibit K-1) for review.

Protests: None

Board Action:

On MOTION of LEWIS, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 85' to 65' from the centerline of Garnett per plot plan on the following described tract:

Lot 13, Block 7, Western Village Addition to the City of Tulsa, Oklahoma.

9983

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on a corner lot from 30' to 15', in an RS-2 District located at the Southeast corner of Florence & 85th Place.

Presentation:

The applicant, William Stave, Jr., was not present, for the second time, and the protestant was present. He was advised that if he was heard today and did not return when the case was heard again, it may put him at a disadvantage without a full explanation of the request.

Protests:

The protestant, Gary Wheeler, stated that the applicant owns Lot 6 Block 7 at the SE corner of 85th Place and Florence. Mr. Wheeler owns Lot 16 Block 6, across the street from Florence. His mother-in-law had plans to build a house on Mr. Wheeler's lot. She liked her lot because of the openness of the corner lot across the street from her.

The Staff submitted a letter of protest (Exhibit L-1).

Board Action:

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") continued application 9976 to June 1, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Communication concerning Case No. 9771

Mr. Jones advised the Board that this was a communication about a Church parking lot on the northwest corner of 13th and Xanthus. After brief discussion the Board decided to consider application 9771 on June 1, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center. It was decided that Mr. Jackere will write a letter to the applicant with an explanation as to what had happened regarding the screening requirement.

Setbacks from streets, highways, expressways and service roads

On MOTION of SMITH, the Board 3-0 (Lewis, Smith and Purser "aye", Jolly and Walden "absent") approved the continuance of this matter to June 1, 1978, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Discussion on Motions of the Board and Board Policies

The following suggestions were made by Board Members regarding existing policies and how it might change so as not to unnecessarily lengthen meetings.

1. Try not to ask questions of the applicant when he/she first makes the presentation because the question may be answered later by the staff or interested parties.
2. Let the protestants ask questions and have them answered by the applicant since they will do that anyway.

Discussion on Motions continued

3. The Board will then ask questions of any points not previously discussed.
4. Ask for protestants at the beginning of each case, so that the applicant or his attorney will present his application accordingly.
5. The staff should not speak until after the protests and the rebuttal because their concerns might be answered during this time.
6. By having all speakers on a case come forward at the beginning of each case, this will discourage unnecessary or repeat comments by protestants, or interested parties.

Their being no further business, the Chair declared the meeting adjourned at 4:25 p.m.