

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 356
Thursday, February 18, 1982, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser (in at 2:00 p.m.) Smith, Acting Chairman Victor Wait	Lewis	Gardner Martin	Jackere, Legal Department Linker, Legal Department Miller, Protec- tive Inspec- tions

After declaring a quorum present, Acting Chairman Smith called the meeting to order at 1:10 p.m.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Monday, February 15, 1982, at 10:15 a.m., as well as in the Reception Area of the TMAPC Offices.

MINUTES:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve the Minutes of December 17, 1981 (No. 352) and January 7, 1982 (No. 353), subject to the following note: "*Refer to page 26 for a review of Case No. 11761," being added to page 15 of the January 7, 1982 Minutes.

UNFINISHED BUSINESS:

Case No. 11034

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities - Request for permission to use property for church use and related activities; and, a
Variance - Section 420.2 (d) 1 - Accessory Uses in Residential Districts- Under the Provisions of Section 1670 - Variances - Request for a variance of the sign requirements from 12 square feet to 32 square feet located at 12025 East 15th Street.

Presentation:

Attorney, Paul McBride, 210 South 5th Street, Jenks, Oklahoma, was present to address the Board representing the applicant, Orville Hendryx. Mr. McBride advised that he had talked to Mr. Jackere about this case who did not feel that there was anything for the Board to act on and suggested that the case be dismissed.

Mr. Jackere advised the Board that the applicant has not complied with the previous conditions imposed by the Board concerning the original building, but that is an issue for the Building Inspector. The proposed church expansion is not properly before the Board at this time because it has not been advertised. Mr. Jackere suggested that the Board go on with the meeting since there was nothing to be acted on by the Board, concerning this case at this time.

Case No. 11804

Action Requested:

Special Exception - Section 710 (740.1) - Principal Uses Permitted in Commercial Districts to allow multifamily use in a CS District; and, a

Variance - Section 730 - Bulk and Area Requirements to allow a 380' building and adjacent parking structure and recreational buildings to service said multifamily building and 1,000,000 square feet of floor area in a CS District; and, a

Variance - Section 206 - Number of Dwelling Units On a Lot - to facilitate 295 residential units, located at the SW corner of 81st Street and Lewis Avenue.

Presentation:

Tom Tannehill, 1918 East 51st Street, was present to address the Board and requested that this case be continued to March 4, 1982.

Interested Party:

There was an interested party who had no objections to the continuance.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to continue this case to the March 4, 1982, meeting.

Case No. 11805

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for Office use in an RM-2 District. (out-patient stress therapy center) This property is located at 1432 South Carson Avenue.

Presentation:

Jeff Nix, Attorney-at-Law, 122 North Greenwood Avenue, was present to address the Board and advised that the land to the west is zoned CH, to the east the land is zoned OM, with residences on both sides of the subject property. Mr. Nix advised that there would be no more than 3 employees working at any given time with no more than 8 clients a day or no more than 3 at any given time. The applicant is also asking for six (6) off-street parking spaces.

Beth Fields, the applicant, 2152 North Elwood Avenue, was present to address the Board and read a letter explaining the purpose of the out-patient stress therapy center. She advised the Board that she had mailed a letter to her neighbors explaining the intent of the office use and has had no negative responses. The letter was submitted to the Board (Exhibit "A-1").

Interested Party:

Steve Meadows, 14th Street and Cheyenne Avenue, was present to address the Board requesting that the off-street parking be made a condition if the case was approved.

Case No. 11805 (continued)

Board Comments:

Mr. Smith asked if the proposed purpose of the building would be consistent with the neighborhood and Mr. Nix stated that the exterior of the proposed building would not be changed and that there would be nothing on the exterior to indicate a business.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) for office use in an RM-2 District, subject to the following conditions: (1) That the hours of operation be limited to 8:00 a.m. to 6:00 p.m., Monday thru Saturday, with no more than 3 employees working at any one time, (2) that all parking provided on the site be screened from the adjacent residential properties to the north and south, with no signs, no lighting and no advertising, with no change from the residential character of the building, to run with this applicant only, on the following described property:

Block 3, Lot 40, Carlton Place Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 11806

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office District - Request for a variance of the floor area ratio, located at 71st Street and Yorktown Avenue.

Presentation:

Jack Cox, 1323 South Baltimore Avenue, was present to address the Board on behalf of the owners of the property and submitted a plot plan (Exhibit "B-1"). Mr. Cox stated that Yorktown Avenue presently dead-ends at the north property line. Prior commitment had been made by the Planning Commission that the street be continued on to 71st Street. The applicant is requesting that the street be dedicated and that they be allowed to utilize the square-footage based on the full 10 acres, less the section line road, as though the street was not there.

Bob Latch, 3218 57th Street, was present to address the Board requesting that the variance be granted because if the applicant loses the land he will lose approximately 30,000' of the proposed building complex.

Protestants: None.

Comments:

Mr. Smith asked if the land to the east was to be tied to the plan and Mr. Latch answered in the affirmative.

Mr. Gardner advised that the applicant has worked with the Staff and has agreed to dedicate the land and is willing to build the street according to City specifications. However, if the applicant dedicates

Case No. 11806 (continued)

the land, the Zoning Code will not allow him to calculate the right-of-way for building square-footage purposes.

Mr. Smith advised that when the applicant purchased the property, the street was not a requirement.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in The Office District) of the floor area ratio, subject to the proper filing of an instrument with the City that the square-footage of both lots not exceed the allowable considering the total site as described on the drawing submitted today, and that the required parking across the street (not on same lot as use) be permitted under the application, on the following described property:

The SW/4 of the SE/4 of the SE/4 of Section 6, Township 18 North, Range 13 East, Tulsa County, Oklahoma; containing 10 acres.

Case No. 11807

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in a Residential District - Request for a variance of the height requirement from 26' to 35' located at 600 South College Avenue.

Presentation:

Brad Beasley, 320 South Boston, Suite 1300, attorney representing the University of Tulsa was present to address the Board.

Comments:

Mr. Gardner advised the Board that in a residential area the Zoning Code limits the building height to 26' from the ground grade to the top plate (plate supporting roof) not including the roof style. The proposed building is a University structure and would be approximately 35' in height.

Interested Party:

Eugene Colleoni, Chairman of District 4 of the Greater Tulsa Council, was present to address the Board advising that the proposal is in accordance with the District plans and urged the Board to approve the application.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in a Residential District) of the height requirement from 26' to 35', subject to the applicant submitting a site plan for the file, on the following described property:

The SW/4 of the SE/4 of Block 14, College Addition to the City of Tulsa, Oklahoma.

Case No. 11808

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for office use in an RM-2 District located at 1715 South Peoria Avenue.

Presentation:

Robert Nichols, 111 West 5th Street, attorney representing Jerry Lee, the applicant, was present to address the Board requesting a continuance of the case to March 4, 1982. Mr. Lee is contemplating moving his business address at that time. If he decides to remain at the subject location, he will make his presentation at the next meeting.

Protestants:

There were several protestants concerning this case.

Board Comments:

Mr. Smith inquired about the business in question and Mr. Nichols stated that Mr. Lee has a real estate business at the subject location.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, Purser, "absent") to continue this case to the March 4, 1982 meeting.

Case No. 11809

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request for permission to locate an auto sales agency in a CS District located at 5102 North Peoria Avenue.

Presentation:

Andrew Brisco, 4148 Xyler Street, was present to address the Board requesting permission to operate a used car business at the subject location. Located to the north of the subject property is an auto repair, with a car wash to the south and residences are located to the west of the subject property. Mr. Brisco advised that he will erect a 6-foot wood screening fence on the property.

Protestants:

William Davis, 1303 East 51st Place North, was present to address the Board requesting that if the exception was granted that the car lot be kept up and wanted the assurance that it would not turn into a salvage yard.

Ruth Lowery, 1328 East 51st Place North, was present to address the Board requesting that the exception be denied because most of the businesses in the area are not well-kept.

Board Comments:

Mr. Smith asked if there would be a salvage at the subject location and Mr. Brisco answered no.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis,

Case No. 11809 (continued)

"absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts), subject to the erection of a 6-foot wood screening fence to be maintained by the owner, subject to the business being owner operated by the applicant, and that there be no type of salvage on the premises, on the following described property:

The East 150 feet of the North 150 feet of the South 225 feet of the SE/4 of the SE/4 of the NE/4 of Section 12, Township 20 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Case No. 11810

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in a Residential District - Request for a variance of the front setback from Richmond Avenue from 60' to 39' located at 4305 East 103rd Street South.

Presentation:

Tom Mason, Attorney-at-Law, 205 Denver Building, was present to address the Board representing Robert and Francy Bates, the applicants. Mr. Mason submitted a plot plan of the subject property (Exhibit "C-1"). The Bates wish to enclose the existing garage on the west and use that as a family room and extend the one story house 22' to the west adding to the proposed garage. The measurement from the end of the garage to the curb will be approximately 31 feet.

Protestants: None.

Board Comments:

Mrs. Purser asked if the Bates had talked to the neighbors to the immediate north and Mr. Mason advised that Mr. Bates had talked to 3 of the 4 residents who live on the cul-de-sac street and none of them had objections.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-1-0 (Purser, Victor, Wait, "aye"; Smith, "nay"; no "abstentions"; Lewis, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in a Residential District) of the front setback on Richmond Avenue from 60' to 39', in accordance with the plot plan submitted, on the following described property:

Lot 15, Block 4, Forest Oaks, a subdivision in the City of Tulsa, Oklahoma, according to the recorded plat thereof.

Case No. 11812

Action Requested:

Special Exception - Section 410 - Principal Uses in a Residential District - Request for permission to operate a church and a children's nursery in a residential district located north of the NW corner of 15th Street and 131st East Avenue.

Presentation:

James Britt, P. O. Box 15503, was present to address the Board and submitted a drawing of the lots in question (Exhibit "D-1"). Mr. Britt

Case No. 11812 (continued)

advised that he needs the Board's approval of the exception so that the prospective buyers of the subject property can construct a church building on this land.

Protestants: None.

Board Comments:

Mrs. Purser suggested that the case be continued so that the prospective buyers might be present for the hearing and to submit a plot plan.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to continue this case to March 4, 1982.

Case No. 11813

Action Requested:

Special Exception - Section 204 - Limitation on Land Use - Request for an extension of time to complete construction of duplex dwellings in CDP #53, located at NW corner of 50th Street and South 72nd E. Ave.

Presentation:

Robert Anderson, 5932 East Skelly Drive, was present to address the Board representing Anderson Development Company. Mr. Anderson advised that all of the other duplex lots have been completed in the subject area except for this one. They are requesting an extension of 3 years to complete the construction.

Protestants: None.

Staff Comments:

Mr. Gardner advised that the Board previously approved these duplexes and has granted an extension of time previously on the subject property.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to approve a Special Exception (Section 204 - Limitation on Land Use) for an extension of time for a period of three (3) years to complete construction of the duplex dwelling in CDP #53, on the following described property:

Lot 11, Block 7, Park Plaza 7th Amended in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11814

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the setback from abutting R District from boundary to the west from 75' to 0' to allow placement of a building located west of the SW corner of I-244 and Sheridan Rd.

Case No. 11814 (continued)

Presentation:

A. C. Saint, 3921 South 96th East Avenue, was present to address the Board and submitted a site plan of the subject property (Exhibit "E-1"). Mr. Saint advised that he is requesting to construct a building on the two subject lots in order to utilize all of the property and to use the west building wall as a screening wall.

Protestants: None.

Comments:

There was some confusion as to the location of the subject property on the zoning maps.

Mr. Gardner advised that the applicant can not build an office warehouse before the rezoning application is approved by the Planning Commission. He suggested that the case be continued so that the application can go before the Planning Commission next week.

Board Action:

PURSER made a motion to continue the Case to March 4, 1982 and without objection the Chair so ordered the continuance.

Case No. 11816

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in Residential Districts - Variance of the setback from the centerline of Peoria Avenue from 100' to 75.4' located at 5505 South Peoria Avenue.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to continue this Case to March 4, 1982.

Case No. 11817

Action Requested:

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Request for a variance of the 20% of the area of the rear yard, or 750 square feet of floor area, whichever is less located at 1389 East 27th St.

Presentation:

Phil Sallee, 2720 East 8th Street, was present to address the Board representing the applicant, Jan Johnson and submitted a site plan (Exhibit "F-1"). The applicant is proposing to add on to the existing home which would reduce the amount of space for cars to turn around or back up.

Protestants: None.

Case No. 11817 (continued)

Board Comments:

Mr. Smith asked if there was a livability space requirement for the subject property and Mr. Sallee advised that the 20% floor area ratio is their only restriction. The applicant is taking up approximately 25.75% of the back yard which is over the 20% restriction and they are now asking for the extra 5.75% on the back yard.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstructions) of the 20% of the area of the rear yard, or 750 square feet of floor area, whichever is less, as per plot plan submitted, on the following described property:

The W/2 of Lot 3 and all of Lot 4, Block 1, Sunset View Addition in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11818

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to permit RM-2 density apartments in a CS District; and, a

Variance - Special Exception - Uses in Commercial Districts, Requirements - Request for a variance of the height requirement from 26' to 28', located south and west of the SW corner of 31st Street and South Memorial Drive.

Presentation:

Roy Johnsen, 324 Main Mall, was present to address the Board and submitted a site plan (Exhibit "G-1") and an illustrated brochure of the proposed apartment units (Exhibit "G-2"). Mr. Johnsen advised that the proposed apartments are zoned CS, but are subject to the RM-2 bulk and area requirements concerning multifamily structures. The applicant is able to meet all of the requirements with the exception of the height requirement which permits 26' and the applicant is requesting a 2-foot variance for 28' in height. Mr. Johnsen advised the Board of one correction on the site plan showing a dead-end street which is now a 4-lane street with substantial access.

There are 3 apartment complex buildings with a total of 103 apartments and an activity building proposed on the subject property. A wall sign and a monument sign not exceeding 4' in height is anticipated for the site.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to permit RM-2 density apartments in a CS District; and a Variance (Special Exception - Uses in Commercial Districts, Requirements) of the height requirement from 26' to 28', as per plot plan submitted, on the following described property:

Case No. 11818 (continued)

All that part of Lot 1, Block 1, Interchange Place, an Addition to the City of Tulsa, Tulsa County, Oklahoma as recorded by Plat No. 3974, filed November 14, 1979, with the County Clerk of Tulsa County, Oklahoma and all the above lying in the SW/4, NE/4, of Section 23, Township 19 North, Range 13 East of the Indian Base and Meridian, more particularly described as follows:

Beginning at the Southeast corner of said SW/4, NE/4; thence South $89^{\circ}-59'-45''$ West along the South Boundary of said Lot 1, a distance of 278.49'; thence North $57^{\circ}-14'-15''$ West along the Southwesterly Boundary of said Lot 1, a distance of 200.00'; thence North $14^{\circ}-28'-45.5''$ East a distance of 253.85' to a point in the Northerly Boundary of said Lot 1; thence South $64^{\circ}-34'-18''$ East a distance of 0.00'; thence along the Northerly Boundary on a curve to the left having a radius of 93.00' a distance of 137.00'; thence South $81^{\circ}-21'-08''$ East along the Northerly Boundary of Lot 1, a distance of 266.39'; thence South $00^{\circ}-02'-08''$ East along the East Boundary of said Lot 1, a distance of 350.00' to the point of beginning, containing 3.34019 acres, more or less.

Case No. 11819

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Variance of the setback from the centerline of Lewis Avenue from 100' to 85' located north of the NE corner of 61st Street and Lewis Avenue.

Presentation:

Lewis Nash, 4041 Hatcher Circle, Memphis, Tenn., 38118, was present to address the Board representing Fox Photo and submitted a site plan (Exhibit "H-1"). Mr. Nash advised that the Fox Photo Center needs to be set back 85' instead of the required 100' from the centerline of Lewis Avenue to avoid being in the middle of the shopping center parking lot isle.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) of the setback from the centerline of Lewis Avenue from 100' to 85' on the following described property:

The East 253' of the South 550' of the North 735' of the SE/4 of the SE/4 of Section 31, Township 19 North, Range 13 East, in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11820

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request for a variance of the setback from the centerline of Denver Avenue from 100' to 50'; and, a Variance of the setback from the centerline of 15th Street from 100' to 50'; and, a

Case No. 11820 (continued)

Variance of the setback from the centerline of 14th Place from 50' to 30'; and, a
Variance of the setback from the centerline of Carthage Avenue from 50' to 25', located at the NE corner of 15th Street and Denver Avenue.

Presentation:

David Termohlen, representing Metro Development, Ltd., 23 West 4th Street, was present to address the Board and submitted a development text (Exhibit "I-1"), a site plan (Exhibit "I-2"), and a plot plan (Exhibit "I-3"). Mr. Termohlen advised that Metro Development is proposing to build a 23-story high-rise condominium on the subject property. The subject property is zoned CH which does not require parking and has OL zoning surrounding the subject property. The applicant is requesting that the parking structure be within the OL zoning to stay within the new requirements of the City's future desires for right-of-way. The proposed parking would be within an enclosed garage or structure with landscaping on the roof. The tower meets the required setback and only the parking garage needs a variance.

Protestants: None.

Board Comments:

Mrs. Purser asked how many stories the parking garage would contain and Mr. Termohlen advised that there would be one story above ground and one below.

Mr. Gardner advised that the applicant and his assistants have worked with the Traffic Engineer's Office and the City Engineer's Office on the proposed parking structure.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office District) of the setback from the centerline of Denver Avenue from 100' to 50', and a variance of the setback from the centerline of 15th Street from 100' to 50', and a variance of the setback from the centerline of 14th Place from 50' to 30', and a variance of the setback from the centerline of Carthage Avenue from 50' to 25', as per plot plan submitted, on the following described property:

Lots 1-12 inclusive, Block 4, Drew Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, being a parcel of land 270' by 270' located at the NE corner of 15th Street and South Denver Avenue, Tulsa, Oklahoma.

Case No. 11821

Action Requested:

Variance - Section 730 - Bulk and Area Requirement in the Commercial Districts - Request for a variance of the setback from Sheridan Road from 100' to 92' located at 822 South Sheridan Road.

Presentation:

John Tucker, 822 South Sheridan Road, was present to address the Board and submitted a drawing of the proposed addition (Exhibit "J-1").

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Case No. 11821 (continued)

Mr. Tucker advised that the 8-foot variance is requested to enlarge Bogies Nite Club. He advised the Board that the proposed addition will not stick out any farther than 3 of the other businesses in the shopping center.

Protestants or Interested Parties:

Darrel Williams, representing Boulder Furniture, 801 South Sheridan Road, was present to address the Board and inquired as to the size of the building and the potential number of patrons anticipated. Mr. Williams also stated that he did not feel that the existing parking facilities would be sufficient for the addition.

Linda Owens, 601 North 153rd East Avenue, Mr. Williams' client, was present to address the Board stating that the parking situation is her main objection.

Board Comments:

Mrs. Purser inquired as to the number of existing parking spaces available and Mr. Tucker advised that there are presently 47 parking spaces and they have recently acquired the lot across the street which will be used for parking. Mrs. Purser asked if the property was being leased and Mr. Williams advised that it was.

Mrs. Purser suggested that the case be continued so that the applicant could return to the Board with a written agreement concerning leasing the parking lot in question.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to continue this Case to March 4, 1982, so that the applicant can return to the Board with an agreement concerning the parking across the street as described by the applicant.

Case No. 11822

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Request for permission to allow placement of a mobile home in an agriculture district located between 145th East Avenue and 177th East Avenue on 41st Street, south side.

Presentation:

Nelson K. Orr, 4725 South 67th East Avenue, was present to address the Board requesting that he be permitted to place his mobile home on the subject property. The landscaping company for which he works owns a nursery at the subject property and have asked Mr. Orr to live there for security reasons.

Protestants: None.

Case No. 11822 (continued)

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to allow placement of a mobile home in an agriculture district, for a period of three (3) years, on the following described property:

The NW/4 of the NE/4 of the NW/4 of Section 26, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Case No. 11823

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the setback from the centerline of Lewis Avenue from 85' to 55' and a variance of the rear setback requirement from 20' to 15' located at 2137 South Lewis Avenue.

Presentation:

R. Bradley Jones, 5832 South Pittsburg, co-owner, was present to address the Board and submitted a preliminary plot plan (Exhibit "K-1") and 6 pictures of the subject property (Exhibit "K-2"). Mr. Jones requested a variance from 85' to 55' on the major arterial street setback, which would be consistent with the neighborhood use, and a variance from 20' to 15' on the rear yard setback to align with their present improvements. The purpose of the request is to allow for a better plan and a better layout, and would not increase or affect the present allowed density. The proposed new townhouses will be connected to the present ones and will look like one unit when completed.

Protestants: None.

Comments:

Mr. Gardner advised that the closest encroachment to the proposed structure is the duplex to the south.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in a Residential District) of the setback from the centerline of Lewis Avenue from 85' to 55' and a variance of the rear setback requirement from 20' to 15', subject to the conceptual plot plan as presented by the applicant, on the following described property:

The North 96' of the West 300' of Lot 18 in Harter's Second Subdivision in the City of Tulsa, Tulsa County, Oklahoma, also known as 2129-31-33-35-37 South Lewis Avenue.

Case No. 11824

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the setback from the centerline of Haskell Street from 50' to 36' located at the NW corner of Haskell Street and St. Louis Avenue.

Presentation:

Harold Clement, 8302 Shadow Wood Avenue, Broken Arrow, Oklahoma, was present to address the Board and submitted a plot plan (Exhibit "L-1"). Mr. Clement is proposing to add 18' to the south end of his existing building. The applicant advised that there are three other buildings in the immediate surrounding area that are closer to the centerline of Haskell Street than the proposed addition.

Protestants: None.

Board Comments:

Mrs. Purser inquired about the traffic in the subject area and Mr. Clement advised that the traffic in that particular area is mostly industrial traffic.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) of the setback from the centerline of Haskell Street from 50' to 36', per plot plan submitted, on the following described property:

Lot 8, Block 9, Ingram Lewis Addition, Tulsa County, Oklahoma.

Case No. 11830

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow a mobile home in a residential district; and, a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the rear setback from 20' to 5' located at 3319 West 38th Street.

Presentation:

Rebecca Sue Walker, 3319 West 38th Street, was present to address the Board on behalf of her grandmother who owns Lots 9, 10, 11, and 12, Block 1, of Yargee Addition. Ms. Walker requested permission to place her mobile home on Lots 9 and 10. To the north of the subject area is a wooded undeveloped area and an elementary school to the south. There is a mobile home located within the immediate area. A site plan was submitted (Exhibit "M-1").

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow a mobile home in a

Case No. 11830 (continued)

Residential District; and, a Variance (Section 430 - Bulk and Area Requirements in a Residential District) of the rear setback from 20' to 5', for a period of one year, removal bond required, on the following described property:

Lots 9 and 10, Block 1, Yargee Addition in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11831

Action Requested:

Variance - Section 830 - Bulk and Area Requirements in the Corridor Districts - Request for a variance of the setback from the centerline of 41st Street from 300' to 150' located at the SW corner of 41st Street and Garnett Road.

Presentation:

Mr. Gardner advised that the Planning Commission previously approved a Variance of the setbacks within Corridor Districts and amended the Zoning Ordinance. The hotel/motel would be permitted within 100' of the centerline as would office buildings, and 200' would be permitted for detached retail commercial of another nature.

Ronald G. Smith, an architect representing the Marriott Corporation, Washington D. C., was present to address the Board and submitted a plot plan (Exhibit "N-1"). The Marriott Motel is proposed to set within 150' from the centerline of 41st Street in lieu of the 300' requirement. The 300' requirement causes a hardship which would not allow the proposed hotel on the subject property.

Comments:

Mr. Jackere asked the applicant if there would be any other uses within the 150' other than parking and Mr. Smith answered no.

Mr. Gardner advised that the applicant has worked with the Staff several times concerning the proposed structure.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to approve a Variance (Section 830 - Bulk and Area Requirements in the Corridor Districts) of the setback from the centerline of 41st Street from 300' to 150', on the basis of the pending Zoning Code amendment, per plot plan submitted, on the following described property:

A tract of land, containing 7.1142 acres, that is part of the NE/4 of Section 30, Township 19 North, Range 14 East, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: Starting at the NE corner of said Section 30; thence North 89°-56'-28" West along the Northerly line of Section 30, for 750.85'; thence South 00°-08'-29" West for 50.00' to the "Point of Beginning" of said tract of land; thence continuing South 00°-08'-29" West for 580.12' to a point, said point being the Northeast corner of Lot 1 in Block 1 of "Towne Centre II",

Case No. 11831 (continued)

a Subdivision in the City of Tulsa; thence North 89°-57'-04" West along the Northerly line of Lot 1 in Block 1 of "Towne Centre II" for 534.15' to the Northwest corner of said Lot 1; thence North 00°-08'-29" East along Easterly line of Lot 2 in said Block 1 for 180.00' to the Northeast corner of Lot 2 in said Block 1; thence continuing North 00°-08'-29" East for 400.21' to a point, said point being 50.00' Southerly of the Northerly line of Section 30; thence South 89°-56'-28" East and Parallel to the Northerly line of Section 30 for 534.15' to the "Point of Beginning" of said tract of land.

Case No. 11832

Action Requested:

Variance - Section 1450 (a) - Structural Nonconformities - Request for a variance to permit enclosing of two front porches on two houses and also connecting the buildings with an enclosed entryway, located at 1502-08 South Denver Avenue.

Presentation:

Mr. Gardner advised that the Board approved the enclosure of the two front porches on a previous application and had talked about the entryway which ties the building together. The second portion of the variance had not been properly advertised at the previous meeting and the tie connection was not on the plot plan at that time.

Stephen Olsen, 324 East 3rd Street, was present to address the Board and submitted a revised plot plan (Exhibit "0-1").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Lewis, "absent") to approve a Variance (Section 1450 (a) - Structural Nonconformities) to permit enclosing of two front porches on two houses for office purposes and also connecting the building with an enclosed entryway, in accordance with the plot plan submitted, on the following described property:

Lots 1 and 2, Block 4, Stonebraker Addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 11728

Communication concerning Case No. 11728.

Presentation:

Jerry Ronnigen Fenrich, 1919-A South Boston Avenue, was present to address the Board and advised that he was not notified concerning Case No. 11728 when it was previously heard and wished to express some restrictions on the approval.

Case No. 11728 (continued)

Mr. Jackere advised that Mr. Fenrich had written a letter stating that he lives within 300' of the applicant and did not receive notice of the hearing and therefore, requested a rehearing of the matter. Mr. Jackere advised that whether or not the notice was received was not for the Board to determine because they would get into factual hearings frequently concerning proper notice. The applicant will be having a rehearing concerning the Case on March 18, 1982, at which time the interested party may be present and express his feelings.

The Board agreed with Mr. Jackere not to reopen the hearing on Case No. 11728.

There being no further business, the Chair adjourned the meeting at 4:00 p.m.

Date Approved

March 18, 1982



Chairman