

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 357  
Thursday, March 4, 1982, 1:00 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT

Lewis, Chairman  
Purser (in at 2:15 p.m.)  
Smith  
Victor (in at 3:30 p.m.)  
Wait

STAFF PRESENT

Compton  
Gardner  
Martin

OTHERS PRESENT

Jackere, Legal  
Department  
Miller, Protec-  
tive Insp's.

After declaring a quorum present, Chairman Lewis called the meeting to order at 1:15 p.m.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Wednesday, March 3, 1982, at 10:45 a.m., as well as in the Reception Area of the TMAPC Offices.

MINUTES:

On MOTION of SMITH and SECOND by WAIT, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve the Minutes of January 21, 1982 (No. 354).

WITHDRAWN CASE:

Mr. Lewis advised the Board that Case No. 11808 has been withdrawn.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 11849

Action Requested:

Variance - Section 430.1 Bulk and Area Requirements in a Residential District - Lot area on one lot to be only 6225.5 square feet instead of the required 6900 square feet. This application is to permit a lot-split at the NW corner of Oswego Avenue and 23rd Street.

Presentation:

Kathy Staats, 2250 South Oswego Place, was present to address the Board and submitted a zoning map (Exhibit "A-1") requesting a lot-split on the northwest corner of the subject tract. The square footage for the proposed lots would be 7210 square feet for one of the lots and 6222 square feet for the other one.

Interested Party:

Eugene Colleoni, Chairman of District #4 of the Greater Tulsa Council, advised that his district reviewed the application and determined that it would be a desirable addition to the subject area.

Board Comments:

Mr. Lewis asked the reason for the lot-split and Mrs. Staats advised that the present lot is too large for the property. Making two lots of the property in question would equalize the size of the lots in comparison to other lots in the area.

Case No. 11849 (continued)

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in a Residential District) for the lot area on one lot to be only 6225.5 square feet instead of the required 6900 square feet to permit a lot-split (L-15375) per zoning map submitted, on the following described property:

Lot 20, Block 2, Jefferson Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 11850

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in a Residential District - Request for a variance to permit a lot-split located east of the SE corner of 35th Street and Braden Avenue.

Presentation:

Lynn Meyer, 3216 East 27th Place, was present to address the Board representing the owner of the subject property. Mr. Meyer requested a lot-split on the 300' x 150' lot. He advised that the lot-split has been approved by the Planning Commission.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in a Residential District) to permit a lot-split (L-15397) on the following described property:

Lot 3, Block 10, Resub. of Yorkshire Estates, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Recorded Plat thereof.

UNFINISHED BUSINESS:

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 structure 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 at the SW corner of 81st Street and Lewis Avenue.

Case No. 11804 (continued)

Presentation:

Mr. Lewis advised the Board that the applicant is seeking a continuance on this case.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue this case to the March 18, 1982 meeting.

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 16th Street and 131st East Avenue.

Presentation:

James Britt, 16909 East 11th Street, was present to address the Board advising that the portion of the application requesting a children's nursery had been withdrawn. A drawing of the plot plan was submitted (Exhibit "B-1").

Samuel King, the minister, was present to address the Board but Sandy Blaho, 5246 South Lewis Avenue, spoke on his behalf. Ms. Blaho advised that the proposed church building will be a 40' x 70' wood structure with plans for bricking in the future. A gravel parking lot is proposed for the structure. Ms. Blaho submitted a flood zone map (Exhibit "B-2").

Protestants:

Helen Allen, 1437 South 131st East Avenue, was present to address the Board concerning the sewer system since the lots in the subject area are not served by the City sewer.

Board Comments:

Mr. Smith advised the applicant that the Zoning Code requires that the parking lot be asphalted.

Mr. Jackere advised that the Mayor and the Board of Commissioners recently passed an ordinance concerning a plat requirement. He suggested that a plat be required to be consistent with the new ordinance.

Mr. Gardner suggested that if the application was approved that it should be subject to Section 260 of the Zoning Code.

The Board advised the applicant that he needs to come before the Board again with a more detailed plot plan with the proposed structure being moved further away from the apartment units to the south.

Case No. 11812 (continued)

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Special Exception (Section 410 - Principal Uses in a Residential District) to operate a church in a Residential District, subject to Section 260 of the Zoning Code by submitting a subdivision plat, and subject to furnishing a fire protection and a sanitary sewer service to the site, and subject to the applicant returning to the Board with a detailed plot plan and elevation plans prior to the issuance of a building permit, on the following described property:

Lots 3 and 4, Block 12 Romoland Addition in Tulsa County, Okla.

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.

Presentation:

A. C. Saint, 3921 South 96th East Avenue, was present to address the Board requesting the variance to be allowed to construct a 24,000 square-foot building on the subject property. Mr. Saint advised that the west wall of the building would serve as a screening wall between him and the RM-3 zoning.

Protestants: None.

Board Comments:

Mr. Gardner advised that the property to the west of the subject property was recently recommended for IL rezoning by the Planning Commission. He suggested that this request be acted upon as though the property to the west had not been advertised for rezoning.

Mr. Lewis was concerned about the next door neighbor who will have a 0' setback between his property and the proposed structure.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in an Industrial District) of the setback from abutting R District from boundary to the west from 75' to 2' to allow placement of a building on the following described property:

Lots 16 and 17, Block 2, Greenlawn Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11816

Action Requested:

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

Presentation:

George Menkoff, 5819 East 64th Place, was present to address the Board and submitted a plot plan (Exhibit "C-1"). Mr. Menkoff requested that he be allowed to extend the original building 11.6' to the north, which would extend the west boundary line.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in Residential Districts) of the setback from the centerline of Peoria Avenue from 100' to 75.4' as per plot plan submitted, on the following described property:

Lot 1, Block 6, J. E. Nichols Subdivision, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11821

Action Requested:

Variance - Section 730 - Bulk and Area Requirements 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:

Tom Thornbrugh, 1424 Terrace Drive, attorney was present to address the Board and submitted a packet containing photographs, a one-year parking lease agreement, and an asphalt bid (Exhibit "D-1"). Mr. Thornbrugh advised that this case was continued so that a lease agreement and a bid for asphalt could be presented to the Board.

Mr. Thornbrugh stated that the Board previously approved two (2) variances of the setback from Sheridan Road from 100' to 88.7' and one from 100' to 70'.

Bogies Nite Club has adequate parking with the 44 parking spaces in front of the building and the parking available across the street.

Protestants:

Leon Sizemore, 701 South Sheridan, owner of Boulder Furniture, was present to address the Board requesting that the applicant be required to have adequate lighted parking available for the business.

Board Comments:

Mr. Lewis asked how much space would be available with the proposed parking across the street and Mr. Thornbrugh advised that the lot would be 36,000 square feet.

Mr. Lewis expressed a concern dealing with the termination of the one-year lease. The Board suggested that the applicant come back with a

Case No. 11821 (continued)

five-year or longer parking lease agreement.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue this case to March 18, 1982.

NEW APPLICATIONS:

Case No. 11815

Action Requested:

Variance - Section 1211.3 - Use Conditions - Request for waiver of the screening requirement when abutting an R District to the north; and, a

Variance - Section 630 - Bulk and Area Requirements in the Office District - Request for a variance to expand existing structure to 44% floor area ratio; and, a

Variance - Section 630 - Bulk and Area Requirements in the Office District - Request for a variance of the setback from the centerline of Denver Avenue from 100' to 54.42' located at 1515 South Denver Avenue.

Presentation:

Don Pool, Attorney, 1717 South Cheyenne Avenue, was present to address the Board representing the applicant, Phillip Carpenter, who is proposing to convert the large residential structure into law offices.

Mr. Pool submitted a plot plan (Exhibit "E-1") and an affidavit from Olivia Jingles (Exhibit "E-2"), the property owner to the immediate north of the subject property. The affidavit states that the required six (6) foot screening fence between their common property boundary would hamper her access to the driveway south of her residence. She is in consent to a fence along the common property line extending no further than 50' from the east (back) property line of the lots.

The expansion of the building only includes enclosing the deck on the second floor of the existing building. There will be no additional land space used.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 1211.3 - Use Conditions) for a waiver of the screening requirement when abutting a Residential District to the north, and a Variance (Section 630 - Bulk and Area Requirements in the Office District) to expand existing structure to 44% floor area ratio, and a Variance (Section 630 - Bulk and Area Requirements in the Office District) of the setback from the centerline of Denver Avenue from 100' to 54.42' as per plot plan submitted, subject to the rear portion of the subject property being fenced as shown on the plot plan, on the following described property:

Lot 13, Block 3, Stonebraker Heights Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

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

Variance - Section 206 - Number of Dwelling Units On a Lot - Request for a variance to permit more than 40 units on one lot; and, a

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the height requirement from 26' to 36' located at the SW corner of 68th Street and Peoria Avenue.

Presentation:

Frank Moskowitz, 3530 East 31st Street, Suite 100, was present to address the Board representing Alltex Construction Company from Dallas, and submitted a plot plan (Exhibit "F-1"). The subject property involves 8 acres with six (6) acres being zoned RM-2 and the remaining 2 acres being zoned CS. The applicant is requesting that the CS portion be converted to RM-2 to accommodate the proposed 224 units. The proposed buildings will be three-story structures with 9' high ceilings.

Protestants: None.

Board Comments:

Mr. Smith asked Mr. Moskowitz if 30' would be enough space for the height of the proposed structures and Mr. Moskowitz answered in the affirmative.

Mrs. Purser inquired about the Code limiting a three (3) story structure to 26' and suggested that the Code be amended.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow multifamily use in a CS District, and a Variance (Section 206 - Number of Dwelling Units On a Lot) to permit more than 40 units on one lot, and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the height requirement from 26' to 30', per plot plan submitted, on the following described property:

The East 250' of a tract of land that is part of Lot 7 of Section 1, Township 18 North, Range 12 East, Tulsa County, Oklahoma, said tract of land being described as follows to wit: Beginning at a point on the Easterly line of Section 1, said point being 1485.00' Northerly of the Southeast Corner thereof; thence continuing Northerly along the Easterly line of Section 1 for 460.00'; thence Westerly at a right angle for 760.00'; thence Southerly at a right angle and parallel to the Easterly line of Section 1 for 444.89'; thence Easterly along a deflection angle to the left of 88°-51'-37" for 760.15' to the point of beginning of said tract of land.

Case No. 11825 (continued)

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") that the Board of Adjustment direct the Staff to initiate proceedings to amend the Zoning Code so that 3 stories can be accommodated in an RM-2 District.

Case No. 11826

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request to reduce the rear setback in an RS-2 District from 25' to 3' to continue use of detached buildings located at 1306 East 25th Street.

Presentation:

Mr. Lewis advised that the applicant is requesting that the case be continued.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue this case to the March 18, 1982 meeting.

Case No. 11827

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the rear setback requirements from 25' to 4' to facilitate an existing building; and, a

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the required side yard setback from 5' to 4' located at 2204 East 25th Place.

Presentation:

Robert Brase, architect, representing Mr. and Mrs. Vincent Kelly, 2204 East 25th Place, was present to address the Board and submitted a site plan (Exhibit "G-1"). The Kellys are proposing to add a garage to the existing house which will not encroach any closer to the existing building line. Mr. Brase advised that the current residence is in noncompliance with the current Subdivision Regulations and the back yard and side yard setbacks, therefore, the application is required to come before the Board.

Protestant or Interested Party:

Mike Wall, 2208 East 25th Place, was present to address the Board as an interested party, but had no objections to the proposal.

Board Comments:

Mrs. Purser asked where the garage addition would be placed and Mr. Brase advised that it would be in the back yard.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Lewis,



Case No. 11827 (continued)

Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the rear setback requirements from 25' to 4' to facilitate an existing building, and, a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the required side yard setback from 5' to 4', per plot plan, on the following described property:

Lot 10, Block 8, Wildwood Addition to City of Tulsa, Tulsa County, Oklahoma.

Case No. 11829

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to permit sales of small gauge oil field pipe and castings and inventory in a CG District; and, a

Variance - Section 1223.3 - Use Conditions - Request for a waiver of screening requirements on south property line; and, a

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the setback on 87th East Ave., from 50' from the centerline located at 8616 East 11th Street.

Presentation:

Richard Cleverdon, 201 West 5th Street, Suite 5000, was present to address the Board representing the owners of the subject property, A+Ventures, Ltd., and submitted twenty two (22) pictures of the subject area (Exhibit "H-1"). Mr. Cleverdon advised that the business is basically a brokerage business selling new oil field pipes. All of the sales of the business are shipped directly from the manufacturer to the customer. The yard will be used for storage of new pipes and will be used in attending to the customers' emergency needs. The subject property is surrounded by commercial businesses and wooded area.

Protestants:

Dean Smith, 8701 East 12th Street, was present to address the Board representing Dr. John Shanks, 8526 East 12th Street, and other neighbors who were present for the meeting. Mr. Smith stated that this type of business would not be consistent with the residential and commercial nature of the neighborhood. He was also concerned about the flood problem in the subject area.

Board Comments:

Mr. Lewis inquired about the setback on 87th Street and Mr. Cleverdon advised that the building is setback 25' or 30' from centerline instead of the required 50'.

Mr. Smith asked if there were other things stored at the site besides pipes and Mr. Cleverdon advised that there are some castings stored there.

Case No. 11829 (continued)

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to deny a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to permit sales of small gauge oil field pipe and castings and inventory in a CG District; and, a Variance (Section 1223.3 - Use Conditions) to waive the screening requirement on the south property line; and, a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the setback on 87th East Avenue from 50' from the centerline, on the following described property:

Lot 4, Block 1, Forest Acres Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11833

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request for a hand operated printing business in an RM-2 District located at 4115 East Zion Avenue.

Presentation:

Mary Gibbs, 4115 East Zion Avenue, was present to address the Board requesting permission to build a small office building for a hand operated printing business on a lot that presently has a residence on it. Ms. Gibbs advised that the office will be designed so as to convert into a residence in the future.

Protestants: None.

Board Comments:

Mr. Jackere stated that there is no provision in the Zoning Code for a special exception dealing with this type of situation. The request should be considered as a home occupation.

Mr. Gardner advised that there will be two (2) principal buildings on one lot. A home business occupation could be permitted if it was located within the house or within a customary accessory building. The proposed building would be considered a principal commercial building and would not permit a home occupation there.

Mrs. Purser asked if all the employees of the business are family members and Ms. Gibbs advised that her neice works for them but does not reside with them.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 4-0-0 (Lewis, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to deny a Special Exception (Section 420 - Accessory Uses in Residential Districts) for a hand operated printing business in an RM-2 District, and that the applicant have her money refunded, on the following described property:

Lot 4, Block 6, El Brad Addition, Tulsa County, Oklahoma.

Case No. 11834

Action Requested:

Special Exception - Section 910 - Principal Uses in Industrial Districts - Request to allow a night club in an Industrial District located at 7533 East Admiral Place.

Presentation:

Richard Templeton, 5418 East 25th Place, was present to address the Board requesting that he be permitted to build two structures on the subject property; one to be used as a night club or lounge and the other would be a drafting business. He is in the process of buying the subject property.

Protestants:

Terry Doverspike, Suite 2200, Fourth National Bank Building, attorney representing Century Bank, was present to address the Board and submitted 2 lists of names and addresses bearing 20 signatures of those in protest to this application (Exhibit "I-1"). Mr. Doverspike advised that having a night club would not be consistent with the rest of the neighborhood.

Jim Washburn representing Mattsco Supply Company, 5740 East Admiral Place, was present to address the Board stating that they are trying to upgrade the subject area and was in protest to the request.

Mrs. Robert Labass, 42 North Lakewood, was present to address the Board in protest to the application.

Jim Gleghorn, 5733 East Admiral Place, was present to address the Board in protest and stated that the subject property had the wrong address.

Board Comments:

Mr. Lewis asked the reason for placing the two businesses at this location and Mr. Templeton stated that it was for economical and investment purposes.

Board Action:

On MOTION of WAIT and SECOND by PURSER, the Board voted 3-0-1 (Lewis, Purser, Wait, "aye"; no "nays"; Smith, "abstaining"; Victor "absent") to deny a Special Exception (Section 910 - Principal Uses in Industrial Districts) to allow a night club in an Industrial District, on the following described property:

Lot 8, Block 1, Greenlawn Addition to the City of Tulsa, according to the Recorded Plat thereof.

Case No. 11835

Action Requested:

Variance - Section 820 - Accessory Uses Permitted in Corridor Districts - Request for a variance to permit an outdoor advertising sign in a CO District; and, an

Interpretation of the Zoning Code as to whether a sign is permitted as an accessory use by right in a CO District located north and west of the NW corner of 51st Street.

Presentation:

Tom Tannehill, 1918 East 51st Street, Suite 2 West, attorney representing Bill Stokely with Stokely Advertising Company, was present to address the Board and submitted five (5) photographs of the subject property (Exhibit "J-1"). Mr. Tannehill advised that this particular property was zoned CS in August 1980. In February 1981, it was then approved by the City Commission to zone the property to CO.

Mr. Tannehill requested that Mr. Stokely be permitted to maintain the sign at the subject location since the Building Inspector's Office had previously given him permission to erect the sign. Before permission was granted, they had inspected the zoning maps for which they determined that the erection of the sign would be permitted. Later, the zoning maps were found to be in error by not reflecting the new CO zoning for the subject property.

Mr. Tannehill also asked the Board to interpret an ambiguity in the Zoning Code which would permit a sign structure in a CO District by right. He referred to Section 8, Chapter 8, Sections 820.2, 1221.3 and 1221.5 which together would allow a sign structure by right.

Protestants:

Kathryn Sellers, 2823 East 49th Street, was present to address the Board and read from the Staff Recommendation for Corridor zoning in August 1980. She also proceeded to read from the Minutes of the TMAPC hearing on August 20, 1980. She advised that many people would be hurt if the structure remains in place. Ms. Sellers advised that the construction of the 50' high sign was unauthorized in a Corridor District. She stated that the permit to construct the sign was in error and the sign should be taken down to abide with the Zoning Code.

J. M. Richards, 2819 East 49th Street, was present to address the Board requesting that the sign be removed from the subject property.

Board Comments:

Mr. Gardner advised that when the zoning amendment was approved it was not timely recorded on the zoning maps since the original Ordinance was in error and had to be corrected. The intent of the Zoning Code was not to allow signs as a principal use in a CO District, outdoor advertising signs in particular. Only signs accessory to a business are permitted.

Mrs. Purser advised that Mr. Stokely probably has a remedy but not with this Board. She also added that the Zoning Code needs to be changed for clarification purposes.

Mrs. Miller advised that Mr. Banks, Chief of Protective Inspections, felt that because of the error in this case that the applicant should be permitted to maintain the sign.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 3-1-1 (Lewis, Purser, Smith, "aye"; Wait, "nay"; Victor, "abstaining"; none "absent") to deny a Variance (Section 820 - Accessory Uses Permitted in Corridor Districts) to permit an outdoor advertising sign in a CO District, on the following described property:

Case No. 11835 (continued)

Lot 4, Block 1, Trade Winds Resub. to the City and County of Tulsa, Oklahoma.

Case No. 11836

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request for permission to operate a go-cart tract in a CS District located at the SE corner of 15th Street and 101st East Avenue.

Presentation:

Raymon King, 5533 East 61st Place, was present to address the Board requesting that the go-cart tract be permitted on the subject property. The property is surrounded by Crescent Heights Subdivision to the north, by vacant property and a golf driving range to the west, with Highways #169 and I-44 to the east and south. The go-cart tract would be approximately 500' from any residential areas, therefore, causing no nuisance to the neighborhood.

Don Williamson, 6620 East 56th Place, was present to address the Board concerning the type of cars used for the tract. Mr. Williamson advised that the Board previously approved a race-car tract that used very similar cars to the proposed ones. Each car cost \$12,000 and are relatively quiet.

Protestants:

Marjorie Platt, 1424 South 103rd East Avenue, was present to address the Board in protest to the application. She advised that several of the neighbors were present for the meeting but had to leave, who also protested the request. Ms. Platt stated that the go-cart tract would not be consistent with the residential nature of the neighborhood.

Board Comments:

Mr. Lewis inquired about the go-cart tract and Mr. King advised that the Grand Prix type cars are not as noisy as other race cars. He also added that there would never be any more than three (3) cars on the tract at any one time.

The Board was concerned with the access to and from the go-cart tract.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-1-0 (Purser, Smith, Victor, Wait, "aye"; Lewis, "nay"; no "abstentions"; none "absent") to deny a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to operate a go-cart tract in a CS District, on the following described property:

A portion of Lot 2, Block 1, Magic Circle Center Addition, and all of Lot 3, Block 1, Magic Circle Center Addition; beginning at the southwest corner of Lot 2, Block 1; thence North 740' along the West Boundary; thence Due East to the East Boundary of Lot 2, Block 1; thence southwest along the Meandering line to the Point of Beginning, Tulsa County, Oklahoma.

Case No. 11837

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to permit Mobile Homes Sales in a CS District located at the southeast corner of 15th Street and 101st East Avenue.

Presentation:

Raymon King, 5533 East 61st Place, was present to address the Board requesting a mobile home sales business at the subject location. Mr. King advised that there would not be any more than 25 mobile homes at the subject location at any one time.

Protestants:

Marjorie Platt, 1424 South 103rd East Avenue, was present to address the Board protesting the request to permit a mobile home sales at this particular location.

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 4-1-0 (Lewis, Purser, Victor, Wait, "aye"; Smith, "nay"; no "abstentions"; none "absent") to deny a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to permit Mobile Home Sales in a CS District on the following described property:

Lot 2, LESS the South 740' beginning at the southwest corner of Lot 2, Block 1; thence North 740' along the West Boundary; thence Due East to the East Boundary of Lot 2, Block 1; thence Southwest along the Meandering line to the Point of Beginning, ALL in Magic Circle Center Addition, Tulsa County, Oklahoma.

Case No. 11838

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request to maintain an existing office in an RS-3 District; and, a

Variance - Section 420 - Accessory Uses in Residential Districts - Request to permit an existing business sign in an RS-3 District located at 1801 South Peoria Avenue.

Presentation:

Dr. Howard Neeman, 1801 South Peoria Avenue, was present to address the Board stating that a doctor's office and business sign have been located at the subject location for the past 25 years. Dr. Neeman has had his office located at this location since July 1978, and has a lease on the office. He stated that he had painted the exterior of the building and had put a new lighted sign on the property being at the same location as the one previously there.

Protestants:

Steve Clark, president of the Swanlake Homeowner's Association, was present to address the Board requesting that the application be denied. Mr. Clark stated that this Board does not have the authority to grant the variances. He advised that the Doctor's office would not be consistent with the residential nature of the neighborhood.

Case No. 11838 (continued)

Sue White who lives directly across the street from the building in question was present to address the Board stating that the building would not be consistent with the homes in the immediate area.

Board Comments:

Mr. Jackere advised that the Board's main concern is, at what time the zoning of the City Commission became effective on the subject property in order to determine whether the use is nonconforming, or whether it is an illegal use that has just been allowed to continue for a very long time.

Mr. Wait inquired about the size of the sign and Dr. Neeman stated that the 4' x 5' sign is 4' off the ground.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to deny a Variance (Section 410 - Principal Uses Permitted in Residential Districts) to maintain an existing office in an RS-3 District; and a Variance (Section 420 - Accessory Uses in Residential Districts) to permit an existing business sign in an RS-3 District, on the following described property:

The North 72½' of the West 151' of Lot 6; and to the West 85' of Lot 7, Block 25, Park Place Addition, in the City of Tulsa, Tulsa County, Oklahoma, according to the Recorded Plat thereof.

Case No. 11839

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request for a home beauty shop in an RS-1 District located at 10339 South Sandusky Avenue.

Presentation:

George Ruh, 10339 South Sandusky Avenue, was present to address the Board requesting that his wife be permitted to operate a beauty shop as a home occupation. Mrs. Ruh who has been a beauty operator for about 4 years will be the only employee at this location. There will be no signs and no change to the exterior of the house. Mr. Ruh advised that there will be adequate parking for the customers.

Protestants:

Ed Reed, 10434 South Sandusky Avenue, was present to address the Board and submitted 6 photographs of different houses in this particular neighborhood. Mr. Reed advised that the area is served by a septic system. Permitting the beauty shop at this location would create a traffic problem and could be hazardous to the children in the area. Mr. Reed felt that the business was currently in operation.

John Harring, 10411 South Quebec Avenue, was present to address the Board and read from various letters written by neighbors who were in protest to the home occupation.

Case No. 11839 (continued)

Board Comments:

Mr. Lewis inquired about the location of the shop and Mr. Ruh stated that the beauty shop would be located in half of the two-car garage with an entrance in the back.

Mr. Lewis also inquired about the days and hours of operation. Mr. Ruh advised that it would be in operation from 8:00 a.m. to 6:00 p.m., Monday through Saturday.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to deny a Special Exception (Section 420 - Accessory Uses Permitted in Residential Districts) for a home beauty shop in an RS-1 District, on the following described property:

Lot 2, Block 1, Reindale, a Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, and known as 10339 South Sandusky Avenue.

Case No. 11840

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in an IL District- Request for a variance of the setback from 50' to 30' in order to line up with the existing structure located at the SW corner of Easton Street and North Peoria Avenue (1144 East Easton Street).

Presentation:

Charles White, 1145 East Easton Street, was present to address the Board and submitted a site plan (Exhibit "L-1"), and an elevation plan (Exhibit "L-2"). Mr. White representing White Construction Company, requested that the proposed 60' x 130' building be permitted the 30' setback on Easton Street to align with an existing structure on Easton.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-1 (Lewis, Purser, Smith, Victor, "aye"; no "nays"; Wait, "abstaining"; none "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in an IL District) of the setback from 50' to 30' in order to line up with the existing structure, per plot plan submitted, on the following described property:

Lots 4, 5, & 6, Block 8, Frisco Addition, City of Tulsa, Tulsa County, Oklahoma.



Case No. 11841

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request for a variance to permit office use in an RS-1 District located at 3334 East 41st Street.

Presentation:

Al Osko, 5711 East 33rd Court, was present to address the Board and requested that the case be continued because his attorney could not be present for this meeting.

Protestants:

There were several people protesting this case.

Board Comments:

Mr. Gardner advised the Board that the Staff was concerned that a precedent not be set for office use. He stated that if the Board did approve this case that appropriate conditions be imposed by the Board.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to continue this case to March 18, 1982.

Discussion:

Mr. Lewis advised that this case would be heard at the first of the meeting on March 18, 1982. He also advised Mr. Osko that his attorney should be present for the next meeting because the case will be heard at that time.

Case No. 11842

Action Requested:

Special Exception - Section 620 - Special Accessory Uses Permitted in Office Districts - Request to locate a barber shop in an OM District located at 4910 East 73rd Street.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to continue this case to March 18, 1982.

Case No. 11843

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Request for community, cultural, and education uses in an AG District located east of the southeast corner of 101st Street and Yale Avenue.

Presentation:

Jack Finley, 3336 East 32nd Street, Suite 200, was present to address the Board and submitted a site plan (Exhibit "M-1"). This application is an extended request from the original variance which was granted by the Board for this property. There are two existing buildings located at the southeast corner of the 10-acre tract. Mr. Finley is proposing approximately 60,500 square feet including the school, classrooms, and support facilities.

Protestants: None.

Board Comments:

Mr. Compton read from the Minutes when the case was heard in June 1981. The church use and school and related activities were granted, subject to a site plan being submitted.

There was discussion as to whether proper notice had been sent out. It was later determined that proper notice had been received.

Mr. Lewis suggested that the proposed structures were a very dense use for the property size. He also suggested that this case be continued so that the operators of the school could be present to present more detailed information.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to continue this item to March 18, 1982.

Case No. 11844

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request for a variance to permit calculation of permitted floor area on both lots; and, a

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Request for a drive-in banking facility in an OL District located at the NE corner of 67th Street and Lewis Avenue.

Presentation:

Mr. Lewis referred to a letter written by Roy Johnsen (Exhibit "N-1") requesting a continuance of this case in order that an omission in the notice can be corrected.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by WAIT, the Board voted 3-0-0 (Lewis, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue this case to the March 18, 1982 meeting.

Case No. 11847

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in a Residential District - Request for a variance of the setback requirement in the rear yard from 20 feet to 12.8 feet located at 11862 East 16th Street.

Presentation:

Harold Wiley, 11862 East 16th Street, was present to address the Board and submitted drawings of the proposed structure (Exhibit "0-1"). The 18' x 23' proposed structure will be a combination breezeway, hobby shop, storage room, and a stairway. An elevated patio with a wrought iron fence will be above the proposed structure. The structure will be 12.8' from the fence line in the rear yard.

Protestants: None.

Board Comments:

Mr. Smith asked Mr. Wiley if he had informed his neighbors of the addition and Mr. Wiley advised that he had talked to his neighbors and they did not have any objections.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-1 (Lewis, Purser, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; none "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in a Residential District) of the setback requirement in the rear yard from 20 feet to 12.8 feet, per drawing submitted, on the following described property:

Lot 12, Block 10, Cherokee Village Second Addition, Tulsa County, Oklahoma.

Case No. 11848

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for permission to locate more than one home on a lot located at 1 West 81st Street.

Presentation:

Bill Satterfield, 7101 Sleepy Hollow Drive, was present to address the Board and submitted two (2) pictures (Exhibit "P-1"), a letter sent to the neighbors (Exhibit "P-2"), and a floor plan and site plan (Exhibit "P-3"). Mr. Satterfield read the letter which he sent to his neighbors stating that he was relocating a large home on a 10-acre tract at the subject location. The home includes servants quarters and a guest house.

Protestants: None.

Board Comments:

Mr. Lewis asked Mr. Satterfield why he requested permission to locate more than one home on a lot and Mr. Satterfield advised that the guest house is detached from the main house.

Board Action:

On MOTION of SMITH and SECOND by PURSER, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none

Case No. 11848 (continued)

"absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to locate more than one home on a lot, per plot plan submitted, on the following described property:

The E/2, E/2, SW/4, SW/4 of Section 12, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma.

Case No. 11851

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a mobile home in an RS-3 District; and, a

Variance - Section 440 - Special Exception - Principal Uses Permitted in Residential Districts, Requirements - Request to leave mobile home indefinitely on the subject property located at 3630 North Harvard Ave.

Presentation:

Anthony Thierry, 3630 North Harvard, was present to address the Board requesting that he be allowed to continue use of his mobile home at the subject property indefinitely.

Protestants: None.

Board Comments:

Mr. Lewis asked if there were other mobile homes in the area and Mr. Thierry advised that he only has one neighbor and that there are no other homes surrounding the property.

Mrs. Purser suggested that the time period be limited.

Board Action:

On MOTION of PURSER and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) for a mobile home in an RS-3 District, to run with this applicant only, for a 5-year period, on the following described property:

The S/2 of the North 6 acres of the NE/4 of the SE/4 of the SE/4 of Section 17, Township 20 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 11712

Action Requested:

Clarification concerning Case No. 11712.

Presentation:

Greg Williams, 1640 South Boston Avenue, attorney representing Jack Hitte, was present to address the Board concerning the requirements for the special exception which was granted for the Mayfair Nursing Home on December 3, 1981. A condition was imposed requiring the dedication of a street on the northeast section of the subject property. The land has been dedicated and problems have arisen in acquiring a building permit.

Paula Hubbard with the Building Inspector's Department, advised that the street has been dedicated and accepted by the engineers, but the plans are still with the Hydrology Department.

Mr. Jackere read a letter from the City Engineer's Department (Exhibit "Q-1") concerning the dedication of the street who requested a clarification. He advised that the Building Inspector must receive a zoning clearance before a building permit is issued. The zoning check requires a dedication, therefore; if the City won't accept the dedication, there is not one and the applicant technically has not lived up to the Board's standards.

An interested party addressed the Board stating that he and four of his neighbors did not receive notice concerning the nursing home for the December 3, 1981 meeting.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") that the Board finds the tendered dedication and filing of the Deed of Dedication by the applicant meets the requirements of the Board, and therefore, the applicant has fulfilled the specific requirements on that particular case.

There being no further business, the meeting adjourned at 5:35 p.m.

Date Approved \_\_\_\_\_

4/1/82

  
Chairman