

CITY BOARD OF ADJUSTMENT
MINUTES (No. 364-A)
Thursday, June 17, 1982, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Lewis, Chairman Smith Victor Wait (in at 1:45 p.m. out at 4:15 p.m.)	Purser	Compton Jones Martin	Jackere, Legal Department Miller, Protective Inspections

After declaring a quorum present, Chairman Lewis called the meeting to order at 1:07 p.m.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, on Monday, June 14, 1982, at 3:00 p.m., as well as in the Reception Area of the INCOG Offices.

MINUTES:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve the Minutes of May 13, 1982 (No. 362).

UNFINISHED BUSINESS:

Case No. 11914

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a gymnasium and related parking as an accessory use to a church; and a
Variance - Section 1205.3 - Use Conditions - Request for a variance of the one acre minimum to .8 acre. This property is located at the SE corner of 2nd Street and 66th East Avenue.

Presentation:

Roy Johnsen, attorney representing the Sheridan Christian Center, was present to address the Board and submitted a copy of the plot plan and elevation plan (Exhibit "A-1"), and a sample of the proposed exterior siding (Exhibit "A-2").

Mr. Johnsen advised that the application for a gymnasium was heard previously and was determined that the use was acceptable, but improvements needed to be made to the site plan and the exterior of the building needed to be more compatible with the residential area to the east. Mr. Johnsen advised that the plans have been reviewed by the Staff also. Mr. Johnsen then reviewed the landscape plans with the Board.

Protestants: None.

Board Comments:

The Board was concerned about the landscape plan and requested that more landscaping be done and the applicant agreed to shrub the building on the north, west, and south as the Board had requested.

Case No. 11914 (continued)

The Board also suggested that the building consist of earthtones with discernable contrast.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) for a gymnasium and related parking as an accessory use to a church; and a Variance (Section 1205.3 - Use Conditions) of the one acre minimum to .8 acre, per drawings and sample submitted, subject to the shrubbery being added around the three sides of the building including the front and two sides, and that the landscaping be in place before the occupancy permit is approved, on the following described property:

Lots 19, 20, 21, 22 and 23, Block E, Crest View Estates Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11971

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the frontage requirements from 150 feet to 49 feet, 50 foot and 65 foot lots for subdivision into a unit owned office complex and individual floor area ratio to vary between .32 and .56 with overall ratio of .21. This property is located at 1146 East 61st Street.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to the July 8, 1982 meeting.

Case No. 11975

Action Requested:

Variance - Section 207 - Street Frontage Required - Request for a variance from the street frontage requirement of 30 feet to 0 feet. This property is located at 6600 South Gary Avenue.

Presentation:

Charles Norman, 909 Kennedy Building, attorney, was present to address the Board on behalf of the applicant, Stephen A. Schuller. Mr. Norman submitted the Plat of Survey (Exhibit "B-1"). The subject property will be divided into three lots with the front lot on Harvard and being in conformity with all requirements and contains 39,000 square feet. The two rear lots will contain 33,000 square feet and 28,000 square feet with the only access to the rear portion of the property being South Gary Avenue. Additional easements will be provided for a better point of entrance. The proposed lot-split has been approved by the Technical Advisory Committee and by the Planning Commission subject to this Board's approval.

Case No. 11975 (continued)

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 207 - Street Frontage Required) from the street frontage requirement from 30 feet to 0 feet, on the following described property:

The West 372 feet of the N/2, N/2, NE/4, NE/4, SE/4 of Section 5, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 11977

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to allow an automotive wrecker service in a CS District. This property is located at the northwest corner of 64th Street and Peoria Avenue.

Presentation:

John Sublett, attorney, One Williams Center, was present to address the Board on behalf of Kelly McNew, 6336 South Peoria Avenue. Mr. Sublett advised that the proposed use is for a wrecker service under Use Unit 17. The subject property is vacant with a chain link fence surrounding three sides of the tract. Mr. Sublett stated that there are Use Units 17 and 20 in the immediate area. The wrecker service does not involve a salvage operation.

Richard Winfree, who will be in charge of the wrecker service, was present to address the Board answering questions asked by the Board. He advised that 18 vehicles is the most he has ever had on the property.

Protestants:

Joe Creamer, 6625 South New Haven, was present to address the Board and submitted eight (8) photographs of the subject property (Exhibit "C-1"). Mr. Creamer advised that he owns six (6) duplexes adjoining the wrecker service. Mr. Creamer stated that he opposes the 24-hour a day operation. He felt that the operation would be a health hazard because of the mice and mosquitos in the area. He also stated that it would be a hazard to the small children in the area.

There were three others present in protest to the application: Chad F. Stites, 1144 East 64th Street; Frank Wallace, Suite 1, 4564 South Harvard Avenue; Walter Bryce, 1300 South Main Street, Suite 110.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to deny a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow an automotive wrecker service in a CS District, on the following described property:

Lot 2, Block 2, South Peoria Gardens Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 11980

Action Requested:

Variance - Section 207 - Street Frontage Requirement - Request for a variance of the frontage requirement on a private street and also, a variance of the linear measurement of the building setback on a lot that abuts a cul-de-sac. This property is located approximately at 96th Street and Sheridan Road.

Presentation:

Charles Norman, 909 Kennedy Building, was present to address the Board on behalf of the applicant, Lynn Meyer, 3216 East 27th Place. A plot plan was submitted of the subject tract (Exhibit "D-1"). The proposed request is to plat a row of ten (10) lots immediately north of Mill Creek Pond. Access will be provided on a private street and the lots will become a part of the Mill Creek Pond Homeowner's Association. The private street will be maintained by the Association. The application has been reviewed by the Technical Advisory Committee and the Planning Commission and has been recommended for approval, subject to approval by this Board.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 207 - Street Frontage Requirements) of the frontage requirement on a private street and also, a variance of the linear measurement of the building setback on a lot that abuts a cul-de-sac, per plot plan submitted, on the following described property:

The South 165' of the SE/4, SE/4, NE/4, of Section 22, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma, LESS and EXCEPT the South 50 feet of the East 600 feet thereof.

Case No. 11981

Action Requested:

Variance - Section 710 - Principal Uses Permitted in Commercial Districts- Request for a variance to allow a mobile home in a CH District; and a Variance - Section 1340 (d) - Applicability of Requirements - Request for a variance to allow gravel for off-street parking in place of an all-weather material. This property is located at 61st North Yale Avenue.

Presentation:

Shirley Jacobs, 9593 East 138th Street South, was present to address the Board on behalf of the applicant, Richard Brantley. Ms. Jacobs submitted a drawing of the lot (Exhibit "E-1") and three (3) pictures showing surrounding businesses with gravel parking (Exhibit "E-2"). Mr. Brantley owns the American Lenders Service Company and is proposing to locate a branch on the subject property, which will be totally secured by a 6-foot fence. Outside of the fence is approximately 45 feet of asphalt used for employee parking. The request was made that the remainder of the lot, which will be used for storage of the units, be graveled. The units are stored at this location for no longer than 15 days. She advised that the Company reposses automobiles and mobile homes.

She advised that the mobile home would be used for an office in the day and the security guard will be at the location at night for security

reasons. The mobile home will be located on the southeast corner of the lot.

Protestants: None.

Board Comments:

Mr. Jackere advised that the paved parking requirement is applicable for light or heavy vehicles and serves as a control for dust and other particles.

Discussion ensued as to the variance to allow gravel for off-street parking in place of an all-weather material. Ms. Jacobs reviewed the pictures with the Board of surrounding businesses who have gravel parking areas. Mr. Lewis questioned the appropriateness of requiring the applicant to have all-weather surface. Mr. Jackere advised that the nonconforming uses surrounding the property may have uses which will or should expire. Mr. Lewis suggested that if the application is approved that the variance of the all-weather material be permitted for a certain period of time.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Lewis, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve a Variance (Section 710 - Principal Uses Permitted in Commercial Districts) to allow a mobile home in a CH District; and a Variance (Section 1340 (d) - Applicability of Requirements) to allow gravel for off-street parking in place of an all-weather material on the contingency that the storage area be paved when adjacent properties are developed and are required to have all-weather paving, to run with this owner only, for a period of 5-years, subject to the applicant returning to the Board at that time, on the following described property:

A tract of land beginning 400 feet North and 30 feet East of the SW corner of Lot 4; thence North 120 feet; thence East 190 feet; thence North 125 feet; thence East 100.67 feet; thence South 362.77 feet; thence West 100.67 feet; thence North 100 feet; thence West 190 feet to the point of beginning in Section 3, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Okla.

NEW APPLICATIONS:

Case No. 11986

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request for a variance to allow an office development. This property is located at 3514 South Yale Avenue.

Presentation:

Susan Little, 3360 South Allegheny Avenue, was present to address the Board on behalf of Diane Sevy, 3364 South Allegheny Avenue, requesting a continuance. She stated that the continuance request is made so that District #6 can review the application at their June 21, 1982, meeting to make a recommendation to the Board.

David Cameron, 201 West 5th Street, attorney, was present to address the Board on behalf of the applicant, Neil Bogan. Mr. Cameron requested that the case be heard today due to a time constraint and contract of sale.

Protestants: None.

Board Comments:

The Board advised that the first request for continuance is generally granted for an application.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to the June 24, 1982, meeting.

Case No. 11987

Action Requested:

Special Exception - Section 740 - Principal Uses Permitted in Commercial Districts - Request to permit multifamily units (apartments) in a CS District. This property is located at 3900 Block of West Edison Street.

Presentation:

David Cameron, 201 West 5th Street, attorney, was present to address the Board on behalf of Neil Bogan who was unable to be present at the meeting. Mr. Cameron submitted a plot plan of the subject property which is approximately 150' x 400' (Exhibit "F-1"). If the application is approved, the subject tract would be used as an apartment project consisting of 66 units. Sixty-five of the proposed units will be one-bedroom and one would be a two-bedroom unit to be occupied by the apartment manager. The one bedroom units would be used as housing for the elderly. Mr. Cameron advised that 93 units could be permitted on the subject tract according to the lot size. Mr. Cameron advised that the court yard will be open instead of the original plat for it to have a closed court yard.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 740 - Principal Uses Permitted in

Case No. 11987 (continued)

Commercial Districts) to permit multifamily units (apartments) in a CS District, per plot plan submitted, on the following described property:

That portion of Block 1, West Edison Plaza Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows:

Beginning at the Northeast Corner of Block 1; thence South along the East line of Block 1 a distance of 150 feet to a point; thence West a distance of 402 feet to a point; thence North and parallel to the East line of Block 1 a distance of 150 feet to a point on the North line of Block 1; thence East a distance of 402 feet to the point of beginning.

Case No. 11988

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the setback from Mingo Road from 100' to 80'; and a

Variance of the setback from an abutting R District from 10' to 3'.

This property is located north of the northeast corner of 33rd Street and Mingo Road.

Presentation:

The applicant was not present to address the Board.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the July 8, 1982, meeting.

Case No. 11989

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Request to permit the storage and transportation of scrap metals. This property is located at 800 East Apache Street.

Presentation:

Adolph Crisp, 2247 North Denver Place, was present to address the Board representing Premium Processed Metals, Inc., and submitted eight (8) pictures of the subject property (Exhibit "G-1"). Mr. Crisp stated that the business is presently located at 1520 North Utica Avenue and they are in the process of buying the subject property for expansion. The subject property was chosen because of its accessibility of railroad and its isolation from residences. Mr. Crisp stated that the use would be used primarily for buying of nonferrous metals such as aluminum cans which will be flattened and loaded and unloaded. Mr. Crisp stated that the shredder would not be located at the subject property, but would be located at their present location at 1520 North Utica Avenue.

Protestants: None.

Case No. 11989 (continued)

Board Comments:

Mr. Lewis asked if most of the processing would take place inside the building and Mr. Crisp advised that most of the operation would be inside the building and the yard would be used primarily for additional storage.

Mr. Lewis inquired about the outward appearance and the odor and rodents which might be involved in the operation. Mr. Crisp stated that the property is enclosed by a 10-foot fence around the property. He also intends to erect a screening fence on the property.

Mr. Jackere advised that if the operation is considered a salvage yard or a junk yard, they both fall under Use Unit 27 and would require a variance.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-1 (Lewis, Smith, Victor, "aye"; no "nays"; Wait, "abstaining"; Purser, "absent") to approve a Variance for a Use Unit 27- (Section 910.- Principal Uses Permitted in Industrial Districts) to allow the storage, loading, unloading, flattening, bailing and shearing of nonferrous metals and that there be no shreading or grinding and no burning, no automobile or truck salvage, and a site fence be erected along the west, northwest, and south sides of the property, to run with this owner only, on the following described property:

Lots 9 thru 19, Block 3, Gentry 2nd Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 11990

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Request to permit a mobile home in an AG District; and a Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request for a variance to permit this mobile home on a 1.25 acre lot. This property is located at 10210 East 91st Street.

Presentation:

Mrs. David I. Schrum, 2233 East 31st Place, was present to address the Board requesting that a mobile home be placed on the subject property. The property in question has a small 1,200 square-foot house on the lot presently, in which Mrs. Schrum's daughter and granddaughter reside. Mrs. Schrum is proposing to place a mobile home on the subject property for rental purposes, but primarily for protection and security because the tract is so isolated.

Protestants: None.

Board Comments:

Mr. Lewis inquired as to the placement of the mobile home and Mrs. Schrum advised that the mobile home would be placed on the rear portion of the property.

Mr. Victor asked if there were other mobile homes in the area and Mrs. Schrum advised that both of her neighbors have mobile homes on their property.

Case No. 11990 (continued)

Mr. Smith advised that the house and the mobile home would possibly need to be on a separate septic tank system.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to permit a mobile home in an AG District; and a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) to permit this mobile home on a 1.25 acre lot provided that the applicant locate the mobile home so as not to be seen from 91st Street, subject to Tulsa City-County Health Department approval, for a period of four (4) years, on the following described property:

The E/2, NE/4, NW/4, NE/4, NW/4 of Section 19, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

Case No. 11991

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow off-street parking in an RM-2 District as an accessory to an off-site use; and a Variance - Section 1330 (a) - Setbacks - Request for a variance of the screening requirement to the abutting R Districts. This property is located at 1444 South Boulder Avenue.

Presentation:

Michael Mowery, an architect representing the American Association Petroleum Geologists, was present to address the Board and submitted plans for the parking area (Exhibit "H-1"). The owners of the property, AAPG, are proposing to have the two lots shown on the plan paved. The property in question lies between 14th and 15th Streets and between Boulder and Cheyenne Avenues.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow off-street parking in an RM-2 District as an accessory to an off-site use; and a Variance (Section 1330 (a) - Setbacks) of the screening requirements to the abutting R Districts, per drawing submitted, on the following described property:

The South 25 feet of Lot 5 and the North 25 feet of Lot 6, Block 1, Carlton Place and the South 55 feet, Lot 21, Block 1, Bayne Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 11992

Action Requested:

Variance - Section 430.2 - Bulk and Area Requirements in Residential Districts - Request for a variance of the Bulk and Area Requirements in an RMH District; and an

Appeal - Section 1650.1 - Appeals from the Building Inspector. This property is located at 120th East Avenue and Admiral and 118th East Ave., and Admiral.

Presentation:

The applicant was not present to address the Board at this time, but had requested that the case be continued to the end of the meeting.

Protestants: None.

Comments:

Mr. Jones advised the Board that the application has been properly advertised and is the same request as was before the Board at the last meeting.

Mrs. Miller advised that when property has been platted that it must meet the requirements of the Zoning Code. The Zoning Code requires that each of the subject lots require 6,000 square feet of land area per dwelling unit which has not been met. He meets the lot area requirement and livability space, but lacks the required amount of land area.

Mr. Jackere suggested that the Board overturn the decision of the Building Inspector and interpret the Zoning Code correctly. Mr. Jackere advised that the Zoning Code contains an ambiguity dealing with mobile home subdivisions and stated that the Code needs to be interpreted and rewritten.

The Board and Mr. Jackere felt that the case should be continued so that Mr. Gardner could clarify the issue concerning land area per dwelling unit for mobile homes for a correct interpretation of the Zoning Code.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to the July 8, 1982, meeting.

Case No. 11993

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to locate a muffler shop in a CS District. This property is located at 10705 East 11th Street.

Presentation:

Jack Sylvester, Rt. 2, Box 436, Mannford, Oklahoma, was present to address the Board on behalf of Kenneth Methvin. Mr. Sylvester submitted a plot plan of the proposed addition (Exhibit "I-1"). Mr. Sylvester, the architect, advised that Mr. Methvin is proposing to construct a 40' x 140' addition to the existing building to expand his muffler shop. Mr. Methvin presently installs mufflers, but intends to manufacture his own mufflers at the subject location.

Case No. 11993 (continued)

Protestants:

Richard Hockett, 1018 South 107th East Avenue, was present to address the Board and submitted one (1) picture of the subject property (Exhibit "I-2"). Mr. Hockett referred to the junk yard appearance of the business. He also stated that there was evidence of rats and mice at the subject location which would create health problems. Mr. Hockett was concerned that if the application were approved, that it would devalue the property in the surrounding area.

Gene Oliver, 8607 South 68th East Avenue, was present to address the Board and submitted five (5) color photographs of the subject property (Exhibit "I-3"). He stated that he and his partner own the property adjoining the muffler shop to the east. He advised that he was not in protest to the application, but requested that it be required to be cleaned up if the case were approved. He expressed a concern for the property value in the area also.

Comments:

Mrs. Miller advised that an exception could be granted to operate the muffler shop, but a variance is required to manufacture in a CS District; therefore, the case is not properly advertised for the manufacturing portion of the application.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to locate a muffler shop in a CS District, on the following described property:

Lot 11, Block 2, East Eleventh Park Addition, Tulsa County, State of Oklahoma; beginning at a point 30' North and 25' East of the Southwest Corner; thence North and parallel to the West Boundary line a distance of 145' to a point; thence East and parallel a distance of 140'; thence South along the East line a distance of 145'; thence West and parallel to the South line a distance of 140' to the point of beginning, otherwise known as 10705 East 11th Street, Tulsa, Oklahoma.

Case No. 11994

Action Requested:

Special Exception - Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Request for a home occupation, (sewing machine repair) in a residential district. This property is located at 1527 South Florence Avenue.

Presentation:

D. R. Bates, 1527 South Florence Avenue, was present to address the Board requesting an exception for a home occupation for a sewing machine repair business. He advised that he would work on the machines at his place of employment or at the customer's home and would only bring them home to work on if necessary, since he has better lighting at his home workshop.

Protestants:

Eugene Colleoni, District #4 Chairman of the Greater Tulsa Council, was present to address the Board in protest to the application. Mr. Colleoni

Case No. 11994 (continued)

submitted four (4) color photographs of the subject property (Exhibit "J-1"). Mr. Colleoni felt that if the application were approved, that it would set a precedent in the area. He also expressed a concern that his previous clients might come to his residential workshop.

Board Comments:

Mr. Lewis asked the applicant if he was currently operating the home occupation at his residence and Mr. Bates stated that he was. Mr. Lewis asked the location of his workshop and Mr. Bates stated that he had a 20' x 20' building constructed between his home and his garage which he uses as his work area. Mr. Smith asked if the building exterior would match the exterior building material of his house. Mr. Bates stated that his house is built of bricks and the shop is constructed of metal siding which resembles wood exterior.

The Board then reminded the applicant of the rules and regulations of the home occupation. Mr. Jackere asked Mr. Bates if he had a truck for advertising which he used for hauling the machines and Mr. Bates stated that he uses his car for transporting the machines and does not have any advertising on the vehicle.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 440.2 - Special Exception Uses in Residential Districts, Requirements) for a home occupation, (sewing machine repair) in a Residential District, subject to the applicant complying with the home occupation regulations, that there be no customers who come to the applicant's residence, no freight deliveries, that no other vehicle be used for transporting the machines other than the applicant's vehicle which has no advertising on the car, that advertising in the phone book be limited to the phone number only, and eliminating the address, to run with this applicant only, on the following described property:

Lot 18, Block 4, Exposition Heights Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 11995

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to use property in a CS District for multifamily dwellings (Use Unit 8) in accordance with the Bulk and Area Requirements of the RM-2 District. This property is located at the NE corner of 41st Street and 129th East Avenue.

Presentation:

Charles Norman, 909 Kennedy Building, was present to address the Board representing the Hardesty Corporation who is in the process of purchasing the 10-acre subject tract. Mr. Norman submitted a site plan (Exhibit "K-1"). The property is presently zoned CS, but the request is for permission to construct multifamily dwelling units according to the RM-2 multifamily standards. Mr. Norman also presented an aerial photo showing the location of the subject tract. The proposed project will be a rental project owned and operated by the Hardesty Corporation.

Case No. 11995 (continued)

Protestants: None.

Board Comments:

Mr. Smith inquired about the water line and the detention facilities and Mr. Norman advised that they are already in place.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to use the property in a CS District for multifamily dwellings (Use Unit 8) in accordance with the Bulk and Area Requirements of the RM-2 District, per site plan submitted, on the following described property:

Lots 1, 2, 3 and 4, Block 11, Park Plaza East III, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Case No. 11996

Action Requested:

Variance - Section 205 - Division of Lots - Request for a variance from the division of lots restriction; and a

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance from the lot area and frontage requirements to permit the division of each lot into two lots to permit separate ownership. This property is located at the SE corner of East 81st Street and South Delaware Avenue.

Presentation:

Charles Norman, 909 Kennedy Building, was present to address the Board and submitted a copy of the plat (Exhibit "L-1"). Mr. Norman advised that the subject property is located across the street south from Oral Roberts University. The subject property was platted for duplex use and was approved by this Board about five years ago. Presently there are six (6) large duplex units in place on this tract. The application is for permission to divide each duplex into two separate lots for purposes of separate ownership. The purpose of the application is to gain the Board's approval, but only after the buildings are constructed.

Protestants: None.

Board Comments:

The Board inquired as to a site plan and Mr. Norman advised that a site plan is not available at this time because legal descriptions for each site could not be prepared until the buildings are constructed. They would be filed with individual lot-split applications and legal descriptions when the building is complete.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 205 - Division of Lots) from the division of lots restriction; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) from the lot area and frontage requirements to permit the

Case No. 11996 (continued)

division of each lot into two lots to permit separate ownership, to be effective only after the buildings are constructed, on the following described property:

Lots 1, 2, 3, 4, & 5, Block 1; and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, Block 2, Southwood Terrace, a resubdivision of Block 1 of Oral Roberts University Heights 3rd Addition, a subdivision of the N/2 of the N/2 of the NW/4 of the NE/4 of Section 17, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

Case No. 11997

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial District - Request for a variance of the minimum building setback line from the centerline of an abutting street (46th Street North). This property is located at the SW corner of 46th Street North and Lewis Ave.

Presentation:

Roy Johnsen, was present to address the Board representing Bill Richert, 7129 South Yale Avenue. Mr. Johnsen submitted an aerial photograph (Exhibit "M-1") and a site plan (Exhibit "M-2").

The subject property which is currently zoned CS is located on the southwest corner of 46th Street North and Lewis Avenue. Customarily there would be a 100' setback required from the centerline of 46th Street North, but the applicant is seeking a variance of that setback requirement. The applicant is not requesting permission to encroach upon any right-of-way. The proposed building would set back 75' from the centerline of 46th Street North. If the application is approved the existing building would be removed with a new building being constructed which would have a much greater setback.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in the Commercial District) of the minimum building setback line from the centerline of an abutting street (46th Street North), subject to the site plan submitted, on the following described property:

Beginning at the Northeast Corner of the East 7 acres of the N/2 of the N/2 of the NE/4 of the NE/4 of Section 18, Township 20 North, Range 13 East, Tulsa County, Oklahoma: (The point of beginning being approximately the center of 46th Street North and Lewis Avenue); thence South 120'; thence West 195'; thence North 120'; thence East 195' to the point of beginning, according to the U. S. Government Survey thereof.

Case No. 11998

Action Requested:

Variance - Section 930 - Bulk and Area Requirement in the Industrial Districts - Request for a variance of the required setback from an RS-3 zoned district to the north and west. This property is located at 4118 North Mingo Road.

Presentation:

Douglas Bell, 5138 South 138th East Avenue, was present to address the Board representing Fleming Building Company, and submitted a plot plan (Exhibit "N-1"). Mr. Bell advised that the Fleming Building Company are contractors of a pre-engineered type building. The existing building which is on the subject tract was built within one foot of the front property line and was constructed before any zoning restrictions were imposed. The proposed building will be 16' from the rear property line and 11' from the north property line for which they are asking a variance of those setbacks.

Protestants: None.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) of the required setback from an RS-3 zoned district to the north and west, per plot plan submitted, on the following described property:

The South 152 feet of Lot 21 and the North 28 feet of Lot 22 and the East 20 feet of the South 180 feet of the North 240 feet of Lot 20, Block 2, Mohawk Village Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Case No. 11999

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the front yard setback from 25' to 10' to build an open carport. This property is located at 5845 South Maplewood Avenue.

Presentation:

Byron Salsman who is the architect for the applicant, Sharon Loeffler, 5845 South Maplewood Avenue, was present to address the Board and submitted a plot plan (Exhibit "O-1"). Mr. Salsman advised that an open carport is proposed for the subject property which will match the existing brick of the home and will match the roof and the pitch of the roof. The request is for a variance of the front yard setback from 25' to 10'.

Protestants: None.

Board Comments:

Mr. Smith asked if the neighbor to the north who would be most affected by the construction of the carport was notified, and Mr. Salsman advised that they were. Mr. Smith asked if there were other carports in the area that encroach on the building line and Mr. Salsman stated that there were three others in the area which encroach on the building line.

Case No. 11999 (continued)

VICTOR made a MOTION and SMITH SECOND it to approve the Variance.

Discussion ensued as to a hardship being present. Mr. Smith asked why the Loefflers could not use their present garage and Mr. Salsman stated that the carport was desired for climate control protection for the Loefflers and their guests who visit in their home. The Board did not feel that the applicant had proved a hardship.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the front yard setback from 25' to 10' to build an open carport, on the following described property:

Lot 6, Block 1, Park Plaza Extended, Tulsa County, Oklahoma.

Case No. 12000

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a special exception to allow a duplex in an RS-3 District; and a
Variance - Section 440.3 (a) (c) (d) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the 9,000 square-foot lot area to 7,125 square feet, a variance of the 2,500 square feet livability space per dwelling unit to 2,110.5 feet and a variance of the required lot width from 75 feet to 50 feet. This property is located at 2803 East 2nd Street.

Presentation:

DeLorse Spencer, 3308 South 116th East Place, was present to address the Board and submitted drawings of the proposed duplex structure (Exhibit "P-1"). Ms. Spencer also presented pictures of the house and read a list of improvements which are underway. She advised that she has worked with the City Engineers in providing parking spaces for the proposed tenants.

Protestants:

Eugene Colleoni, District 4 Chairman of the Greater Tulsa Council, was present to address the Board on behalf of the property owners in the subject area. Mr. Colleoni adamantly requested that the application be denied. Mr. Colleoni submitted a protest petition bearing approximately 43 signatures (Exhibit "P-2") and proceeded to read the petition. The petition states that Ms. Spencer has converted the existing single-family home into an eight room motel without the formality of a building permit or zoning clearance in violation of the Zoning Code and various other codes. The construction of separate walls, doors, separate ingress and egress for each sleeping room...within this single-family structure has been halted by neighbors reporting the illegalities to Protective Inspections who issued a stop-and-desist order. He therefore strongly urged that the request be denied.

Gregory J. Petzet, 2736 East 2nd Street, was present to address the Board and submitted seven (7) pictures of the subject property (Exhibit "P-3"). Mr. Petzet advised that all the people who signed the protest petition

Case No. 12000(continued)

will be directly affected if the request is approved. Mr. Petzet requested that the application be denied and that the structure revert back to a single-family dwelling.

Fred Hall, 2815 East 2nd Street, was present to address the Board requesting denial of the application. He felt that the subject property would deteriorate the surrounding area.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 4-0-0 (Lewis, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow a duplex in an RS-3 District; and a Variance (Section 440.3 (a) (c) (d)-Special Exception Uses in Residential Districts, Requirements) of the 9,000 square-foot lot area to 7,125 square feet, a variance of the 2,500 square-foot livability space per dwelling unit to 2,110.5 feet and a variance of the required lot width from 75 feet to 50 feet, on the following described property:

The W/2 of Lot 6, Block 4, Pleasant View Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Discussion:

Mr. Lewis then proceeded to answer the questions on the protest petition which Mr. Colleoni submitted to the Board.

Case No. 12001

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the frontage requirements from 75' to 50' and also, a request for a variance of the Bulk and Area Requirement in an RS-3 District to permit a lot-split; and a Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for duplex use in an RS-3 District. This property is located at 1417, 1417½, 1419 East 36th Street South.

Presentation:

Anita Beatt, 1334 East 34th Street, was present to address the Board on behalf of her brother, Robert Beatt. Ms. Beatt requested that the lot be split so that a single-family house or duplex can be placed on the lot. The approval would permit two 50' lots on the subject property. There is presently an existing house on the subject tract.

Protestants:

Robert Lockwood, 1427 East 34th Street, was present to address the Board and submitted a petition of protest containing approximately 41 signatures (Exhibit "Q-1"). Mr. Lockwood stated that if another duplex were permitted in the area it would be an example of spot zoning and would set a precedent for the area. The petition states that the lot size is too small to permit a duplex.

Janice Steinkirchner, 1411 East 35th Street, was present to address the Board in protest to the application and was concerned about the potential traffic problem if approved.

Case No. 12001 (continued)

A letter from Fred Pieper, 1420 East 35th Street, was submitted in protest to the request (Exhibit "Q-2").

Board Comments:

Mrs. Miller advised the Board that if the applicant was granted an exception for duplex use, she would have to come back to the Board asking for a variance of the footage per dwelling unit, for land area, and livability space. If the lots were split, they would not meet the bulk and area requirements of a duplex.

Mr. Smith asked if there was an existing house located on the east 50' lot and Ms. Beatt answered in the affirmative. Mr. Compton asked if that house was a single-family structure and Ms. Beatt advised that the structure is a triplex. Mr. Smith inquired about the parking for the existing triplex structure and Ms. Beatt stated that a three-car garage is located behind the structure for parking.

Discussion ensued concerning the conformity or nonconformity of the existing structure.

The Board advised the applicant that a single-family dwelling could be permitted on the split lot if the existing structure were only a single-family dwelling. They felt that the present use might be an illegal use.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait "absent") to deny a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the frontage requirements from 75' to 50' and also of the Bulk and Area Requirements in an RS-3 District to permit a lot-split; and a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) for duplex use in an RS-3 District, on the following described property:

Lot 3, Block 7, Olivers Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12002

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Industrial Districts - Request for a variance from the setback of an abutting R District; and a

Variance - Section 1215.3 - Use Conditions - Request for a variance of the screening requirements. This property is located at the NE corner of 51st Street and 102nd East Avenue.

Presentation:

Harry Wallace, 2973 East 77th Street, was present to address the Board representing the company who recently purchased the subject property. Mr. Wallace advised that the Planning Commission recently approved industrial zoning for the subject area and the case will be heard by the City Commission on June 29, 1982.

The subject property is bounded on the west by a City park which is zoned residential and a small area in the corner which is zoned residential. A 75' setback variance is requested from abutting residential

Case No. 12002 (continued)

districts and a variance of the centerline of 51st from 100' to 92' is also requested. The proposed building will set 10' from the west boundary line. Mr. Wallace also requested that the screening requirement be waived.

Protestants: None.

Board Comments:

Mr. Lewis stated that he would want to see plans for the proposed building before it was acted upon. Mrs. Miller advised that she had a copy of the plans in her office and got them and presented them to the Board.

Board Action:

On MOTION of SMITH and SECOND by VICTOR, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, (absent)) to approve a Variance (Section 430 - Bulk and Area Requirements in Industrial Districts) from the setback of an abutting R District to permit a 10' setback from the west property line and 92' from the centerline of 51st, with a 0' lot line to the east of the shed; and a Variance (Section 1215.3 - Use Conditions) of the screening requirement, that a 6' wood fence be erected from the southwest corner of the open front building extending west to the driveway on the east side of the office building and waive the other fence requirement as requested; per modified plot plan, on the following described property:

Lots 5-24, Block 53, Alsuma Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12003

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a special exception to locate an office in an RM-2 District. This property is located at the NE corner of 8th Street and Madison Avenue.

Presentation:

Tom Price, Attorney-at-Law, 9726 East 42nd Street, Suite 133, was present to address the Board on behalf of his cousin Gary Price, the applicant. Mr. Price submitted a copy of the appraisal of the property (Exhibit "R-1"), and twelve (12) pictures of the existing structure and similar structures (Exhibit "R-2"). Tom Price, Lowell T. Price, Tom's father, and Gary Price are in the process of purchasing the structure on the subject property to be used as an attorney's office. The applicant intends to renovate the structure and remodel the interior to meet the City's Code. Mr. Price advised that the second lot is intended for a private parking lot in the future.

Protestants: None.

Interested Party:

Eugene Colleoni, District 4 Chairman to the Greater Tulsa Council, was present to address the Board in favor of the request because it will remove a blighted home in the subject area.

Case No. 12003 (continued)

Board Comments:

Mrs. Miller advised the Board that the applicant is not properly advertised for the parking proposal at this time.

The Board inquired as to the number of offices proposed for the existing structure and Mr. Price advised that six offices will be located in the structure; four for attorneys, one for a private investigator, and one for a small business lobbying organization.

Mr. Jackere advised that the approval of the office use needs to be subject to the acquisition of the second lot with a tie contract.

Board Action:

On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to locate an office in an RM-2 District, that the approval be contingent upon the applicant obtaining a tie contract with the adjacent property for parking, that the approval for the office use be granted for the lot that has the house on it, subject to the applicant returning to the Board with a site plan showing the structure and the proposed parking; on the following described property:

The W/2 of Lots 5 and 6, Block 3, Oaklawn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12004

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of required side yard from 5' and 10' to 5' and 7'. This property is located at 3747 East 47th Place.

Presentation:

Roy Johnsen, attorney, 324 Main Mall, was present to address the Board on behalf of Mr. and Mrs. Patrick Conner. Mr. Johnsen submitted a plot plan (Exhibit "S-1") and a plat of survey (Exhibit "S-2"). The applicants are proposing to extend the structure 12' to the west to accommodate the expansion of a garage and construction of a new family room. The east side yard will remain at its present 8.3' and the west side yard at the southernmost point would be 7' from the property line.

The subject area which is zoned RS-2 was platted in 1958 which provided for 15' side yard requirement for both sides, but did not specify that 10' and 5' were required. A number of the lots in the area do not have a 10' yard requirement. The RS-2 District requires the side yards to be 10' and 5' or a total of 15'. Mr. Johnsen also advised that the side of the tract is oversized and the tract is irregular in shape.

Protestants:

Ross Parker, 3739 East 47th Place, was present to address the Board and submitted a protest petition bearing approximately 44 signatures of property owners in the area (Exhibit "S-3"). Mr. Parker, who lives next to the applicants, felt that if the request were approved that there would be congestion between the two homes. He also felt that it would

Case No. 12004 (continued)

set a precedent in the area and might devalue the property in the area.

Interested Party:

Mr. Jones submitted a letter from Mr. and Mrs. William Bartlett, 3746 East 47th Place, who is in support of the application (Exhibit "S-4").

Board Action:

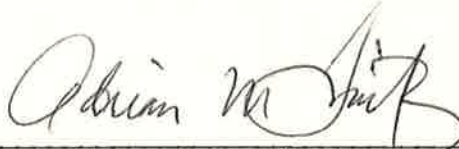
On MOTION of VICTOR and SECOND by SMITH, the Board voted 3-0-0 (Lewis, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the required side yard from 5' and 10' to 5' and 7', subject to the drawings submitted, on the following described property:

Lot 15, Block 40, Patrick Henry, Blocks 38-47, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

There being no further business, the Chair adjourned the meeting at 5:27 p.m.

Date Approved

7-22-82

A handwritten signature in cursive script, appearing to read "Adrian M. Smith", written over a horizontal line.

Chairman