

CITY BOARD OF ADJUSTMENT  
MINUTES (No. 366)  
Thursday, July 8, 1982, 1:00 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Smith Victor	Purser Wait	Gardner Jones Martin	Linker, Legal Department Miller, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Friday, July 2, 1982, at 4:10 p.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Acting Chairman Smith called the meeting to order at 1:05 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve the Minutes of May 27, 1982 (No. 363) and that the Minutes reflect the correction concerning Case No. 11985 which was brought up. The presentation portion of the case should state that the house "was constructed .7' over the setback line" instead of property line.

UNFINISHED BUSINESS:

Case No. 11971

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial District - Request for a variance of the frontage requirement from 150 feet to 49 feet, 50 feet and 65 feet 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 1146-1156 East 61st Street.

Presentation:

The applicant, Gene Carpenter, was not present to address the Board.

Comments:

Mr. Gardner advised that the applicant was contacted requesting that he be present for this hearing. Mr. Gardner suggested that the case be continued for a month.

Protestants: None.

Case No. 11971 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to August 5, 1982 meeting.

Case No. 11988

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial District - Request for a variance of the setback from Mingo 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:

Richard Black, 3223 East 31st Street, was present to address the Board representing Tom Gutmann, the owner of the subject property. Mr. Black submitted a photograph (Exhibit "A-1"), a drawing of the proposed building (Exhibit "A-2") and a plot plan (Exhibit "A-3").

Mr. Black advised that the request is for an automotive business that does inside repairing and tune-up work on automobiles. Mr. Black advised that the operation would not create a lot of noise or fumes. The front building which faces Mingo is a shelter with a small building underneath, which is used for a public car wash. Their proposed change would allow a 30' setback line from the property line, which would be 80' from the centerline of Mingo Road. Several of the other buildings in the immediate area also have 25' or 30' setback lines also.

The applicant is proposing to discontinue the car wash portion of the property and close the bay on the left as shown in the photograph & extend the building adding the three bays. Eight parking spaces would be required to meet the Zoning Code, but approximately 20 spaces will be provided. There will be a maximum of 10 employees consisting of full-time and part-time employees. The hours of operation would be from 9:00 a.m. to 6:00 p.m. only on Mondays through Fridays.

Mr. Black advised that the City Engineer has been contacted in regard to the easement that is currently 10' in width along that property, and no utilities are in place along the easement. The City has expressed an intention to go along with the vacation of the easement as long as the encroachment would occur by virtue of the building.

Protestants:

Gordon Cecil, attorney, representing Purity Oil Company was present in protest to the application.

Board Comments:

Mr. Victor expressed a concern dealing with the setback request from 10' to 3'. He suggested that the doors be reworked using smaller doors.

Mr. Gardner advised that all the work should be performed within the proposed building and that no outside storage should be permitted.

Case No. 11988 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) of the setback from Mingo Road from 100' to 80'; and to DENY a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) of the setback from an abutting R District from 10' to 3', on the following described property:

Lot 1, Block 1, Mingo Plaza Addition, 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 Avenue and Admiral.

Presentation:

Warren Morris, the applicant, was not present to address the Board.

Protestants: None.

Staff Comments:

Mr. Gardner advised that the case was continued at the request of the Board in order that an interpretation could be written concerning the case. Mr. Gardner proceeded to read his recommendation as to the interpretation.

Board Action:

On MOTION of VICTOR and SECOND by Chappelle, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to uphold the Building Inspector, and to DENY a Variance (Section 430.2 - Bulk and Area Requirements in Residential Districts) of the Bulk and Area Requirements in an RMH District and to interpret for any mobile home subdivision that the "Land Area" requirement of 6,000 square feet per dwelling unit in a Mobile Home Subdivision is the basis for determining maximum density (dwelling units per acre) and not to be required to be contained within each individual lot plus 1/2 the abutting street; provided that all lots contain a minimum of 4,000 square feet and that the total number of lots do not exceed the gross area divided by 6,000 square feet, on the following described property:

All of Cooley Lake Mobile Addition to the City of Tulsa, Oklahoma.

Case No. 11968

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request for 3 batting cages in a CS District. This property is located at 9911 East Skelly Drive.

Presentation:

David Barnett, 4133 East 49th Street, was present to address the Board

Case No. 11968 (continued)

requesting a variance to permit three (3) baseball batting machines. Mr. Barnett advised that the use would only be for two (2) years. Mr. Barnett advised that this matter went to court and when the case was settled, the protestants withdrew their protest.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) for three (3) baseball batting cages in a CS District, on the following described property:

All that part of the SW/4 of the SW/4 (or Lot 4) in Section 7, Township 19 North, Range 14 East of the I.B. & M., lying North of the Bypass Right-of-Way, according to the United States Government Survey thereof. The North 259 feet approximately 8 acres of above description. (Block 2, Magic Circle Center)

Case No. 12028

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial District - Request for a variance of the setback by 9' to allow construction of a stairway to the second level of the general aviation terminal. This property is located at the Tulsa International Airport.

Presentation:

Carl Cannizzaro, Tulsa Airport Authority, P. O. Box 51286, was present to address the Board and submitted a site plan (Exhibit "B-1"). Mr. Cannizzaro requested a waiver of the setback requirement to permit the construction of a stairway to the second level of the general aviation terminal. Due to building requirements and fire safety, a stairwell is needed on both ends of the building to allow for evacuation of the upper level.

Protestants: None.

Board Comments:

Mr. Victor asked if the stairwell could be located at another location and Mr. Cannizzaro advised that there would be no other place for the stairwell in accordance with their building and the layout.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial District) of the setback by 9' to allow construction of a stairway to the second level of the general aviation terminal, per plot plan submitted, on the following described property:

The S/2, SE/4, SE/4, SE/4, of Section 23, Township 20 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12031

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the required setback from 26th Place from 60' to 54'. This property is located at 2121 East 26th Place.

Presentation:

H. G. Tracy, 1338 East 2nd Street, was present to address the Board representing the owners of the subject property, Mr. and Mrs. Charles Thornton. Mr. Tracy submitted plans consisting of the plot plan, floor plan, and elevation plan (Exhibit "C-1") and a drawing of the proposed structure (Exhibit "C-2"). Mr. Tracy advised that the Thorntons are requesting a variance of the setback from 26th Place to make a small addition to the front of their house.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, 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 setback from 26th Place from 60' to 54', per plot plan submitted, on the following described property:

Lots 14 and 15, Block 2, Forest Hills Addition to the City of Tulsa, Oklahoma.

Case No. 12042

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the Bulk and Area Requirements to permit a lot-split. This property is located at 3925 and 3927 South 131st East Avenue.

Presentation:

Dean Graber, 4203 East 101st Place, was present to address the Board proposing to split an existing duplex containing 1,400 square feet per side, into two separate pieces of property. The property is presently being used as rental property, but will be owned by two individual owners if the application is approved. There will be no exterior changes to the existing structure. Mr. Graber submitted the plat of survey (Exhibit "D-1").

Protestants: None.

Comments:

Mrs. Miller, Protective Inspections, advised that a fire wall is required in any construction which is within 6' of the lot line and the subject property will be on the lot line if approved.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, 7.8.82:366(5)

Case No. 12042 (continued)

Wait "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the Bulk and Area Requirements to permit a lot-split (L-15490), on the following described property:

Lot 23, Block 10, Park Plaza East III, Tulsa County, Oklahoma.

Case No. 12044

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the bulk and area requirements to permit a lot-split. This property is located at the NW corner of 11th Street and Mingo Valley Expressway.

Presentation:

Kenneth Miles, 1926 East 36th Street, was present to address the Board representing Hines-Guaranty, Limited. Mr. Miles advised that it is the intent of the owners to split the south portion of the tract from the north 2/3rds of the tract. The access to the north 2/3rds of the tract would then be a mutual access easement. The north 2/3rds of the tract will be sold to a third party.

Protestants: None.

Board Comments:

Mr. Victor advised that he had a conflict of interest concerning this case and felt that he should not act on the case.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to the July 22, 1982 meeting.

Case No. 12056

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Request for a variance of the frontage requirements from 200' to 135'; and a variance of the lot area from 2 acres to 1-acre. This property is located at 1501 South 161st East Avenue.

Presentation:

F. A. Petrick, attorney, was present to address the Board representing R. E. and Opal McBeath, the owners of the subject property. The McBeaths previously owned approximately 20 acres and sold 19 of these acres. Mr. Petrick requested the variance so that the one remaining lot can be sold. The lot in question is 135.40' x 321.71' and fronts on 161st East Ave. The application has been approved by the Planning Commission, subject to this Board's approval.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser,

Case No. 12056 (continued)

Wait, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agricultural Districts) of the frontage requirements from 200' to 135' and a variance of the lot area from 2 acres to 1 acre, on the following described property:

The N/2 of the NW/4 of the SW/4 of Section 11, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, LESS and EXCEPT the East 200' thereof.

Case No. 11059

Action Requested:

Variance - Section 1221.5 - Use Conditions - Request for a variance of the display area to permit a 240 square-foot wall sign in a CS District. This property is located at 10123 East Admiral Place.

Presentation:

Casper Jones, 1302 South Fulton, was present to address the Board representing Craig Neon Sign Company. Mr. Jones submitted renderings of the sign elevation (Exhibit "E-1") and a rendering of the building and the proposed sign (Exhibit "E-2").

Mr. Jones advised that the request is for a wall sign for Chuck E. Cheeses' Pizza Time Theatre and the sign is presently located on the back of the building. Mr. Jones advised that the structure is located at the Crosstown Shopping Center where there are approximately 5 other signs on the back of other structures in the center.

Protestants: None.

Board Comments:

Mr. Victor inquired as to the size of the sign and Mr. Jones advised that the sign is 6' x 40' and has a constant light on the sign. Mr. Victor also inquired as to the square-footage of the proposed sign in the back and the sign on the front of the building, but Mr. Jones was unsure of the correct calculation.

Mrs. Miller, Protective Inspections, advised that one sign is permitted for each tenant not to exceed 2 square feet of display surface area for each lineal foot of front building wall. In a CS District, 3 square feet of display surface is permitted for each one-foot of front building wall of tenancy for a wall or canopy sign.

Mr. Gardner advised that a hardship is not required of the application if behind the building setback line, but should be considered according to the appropriateness and location of the sign in relationship to the surrounding land use.

Mr. Victor suggested that the case be continued so that the Board members could view the sign. He also asked Mr. Jones to calculate how much square-footage is permitted for the sign.

Case No. 11059 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to the July 22, 1982 meeting.

NEW APPLICATIONS:

Case No. 12032

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agricultural Districts - Request for a variance to permit a lot-split; and a Special Exception - Section 310 - Principal Uses Permitted in the Agricultural Districts - Request to locate a mobile home in an AG District. This property is located at 2323 East 43rd Street North.

Presentation:

G. H. Parsons, 2323 East 43rd Street North, was present to address the Board and submitted a drawing of the land in question (Exhibit "F-1"). Mr. Parsons advised that the property is approximately 5 acres in size and they are requesting a lot-split of one acre to be given to their children so they will have the deed. Mr. Parsons advised that he and his wife are in poor health and would like to have their children near them. Mr. Parsons stated that they have talked to many of their neighbors and they have no objections to the request.

Protestants: None.

Board Comments:

Mr. Chappelle asked if there were other mobile homes in the area and Mr. Parsons answered no.

Mr. Smith asked where the mobile home would be located and Mr. Parsons advised that it would be on the west end of the property.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agricultural Districts) to permit a lot-split (L-15500) and a Special Exception (Section 310 - Principal Uses Permitted in the Agricultural Districts) to locate a mobile home in an AG District, per drawing submitted, for a period of three (3) years, on the following described property:

The West 920' of the S/2, N/2, S/2, S/2, NE/4, NE/4, and the West 920' of the S/2, S/2, S/2, NE/4, NE/4, Section 18, Township 20 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12033

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for duplex use in an RS-3 District; and a Variance - Section 440.3 - Special Exception Uses in the Residential Districts, Requirements - Request for a variance of the Bulk and Area



Case No. 12033 (continued)

Requirement to permit a duplex; and a Variance - Section 1340 (d) - Design Standards For Off-Street Parking Areas - Request for a variance of the requirements for parking areas to be surfaced with an all-weather material. The applicant wishes to utilize an existing gravel area. This property is located at 1228 South College Avenue.

Presentation:

James Lawson, 817 North Florence Avenue, was present to address the Board and submitted a plot plan (Exhibit "G-1"). Mr. Lawson requested that the existing structure be used for duplex use and will be rented to two small families or one family and two students. The existing structure will be improved by the applicant who is proposing to spend approximately \$7,000 to increase the property value of the neighborhood. Four parking spaces will be provided for the duplex use allowing for two spaces for each unit.

Protestants:

Margaret Havenstrite, 1232 South College Avenue, was present to address the Board and submitted five (5) pictures of the existing structure and two other homes in the area (Exhibit "G-2"), a site plan (Exhibit "G-3") and a protest petition bearing 63 signatures (Exhibit "G-4"). Mrs. Havenstrite advised that everyone in the immediate area owns their own home except for one across the street. The area is a low density area designed for single-family residences. Mrs. Havenstrite proceeded to say that the duplex use does not comply with the requirements concerning height and yard requirements, minimum lot area and land area, frontage requirements and livability requirements. The creation of a parking lot for four cars would be inappropriate because of the size and location of the lot to the nearness of the homes in the area.

Interested Party:

Eugene Colleoni, District 4 Chairman to the Greater Tulsa Council, was present to address the Board requesting that the application be approved. Mr. Colleoni advised that he had inspected the premises and felt that much improvement had been made and will continue to be done. He felt that if the application were not approved that the existing structure would deteriorate the surrounding area.

Board Comments:

VICTOR made a motion to deny the application, but due to the lack of a second the motion died.

Mr. Chappelle suggested that the case be continued so that the Board members can view the site.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to the July 22, 1982 meeting.

Case No. 12034

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a mobile home in an RM-1 District. This property is located at 5121 West 7th Street.

Presentation:

Sandra Moody, P. O. Box 1262, Sand Springs, Oklahoma, 74063, was present to address the Board requesting permission to place a mobile home on the subject property because her house burned down. Mrs. Moody advised that her and her husband plan to build another house on the subject property and they do not intend to keep the mobile home on the subject property permanently.

Protestants:

Frenchie Loving, District #10 Chairman to the Greater Tulsa Council, was present to address the Board and advised that there are no other mobile homes in the surrounding area. The subject area is single-family residential; therefore, Ms. Loving suggested that another location for the mobile home be sought.

Interested Party:

Gerald Smith, 5125 West 7th Street, was present to address the Board in support of the application and advised that there are 3 rental homes in the immediate area.

Board Comments:

One of the Board members advised that he had a conflict with the case and felt that he should not vote.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to the July 22, 1982 meeting.

Case No. 12035

Action Requested:

Variance - Section 240.2 (c) - Permitted Yard Obstructions - Request to allow a metal accessory building with 2,000 square feet in the rear yard. This property is located at 1915 South 85th East Avenue.

Presentation:

Arthur Edmondson, 1915 South 85th East Avenue, was present to address the Board and submitted a plot plan of the subject property (Exhibit "H-1"). Mr. Edmondson requested permission to allow a metal accessory building to be used for storage of farm equipment.

Protestants:

A Protest Petition was submitted to the Board bearing 27 signatures of property owners in the area (Exhibit "H-2"). They are in protest to the existing building and the operation of a business at that location.

Interested Party:

Bob McKee, 1929 South 85th East Avenue was present to address the Board in support of the application. Mr. McKee advised that there are many accessory buildings located in the surrounding area.

Case No. 12035 (continued)

Board Comments:

Mr. Smith asked the applicant if the building would be used as a business and Mr. Edmondson advised that it would not be used for a business.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 240.2 (c) - Permitted Yard Obstructions) to allow a metal accessory building with 2,000 sq. ft. in the rear yard, subject to the use being solely for storage of personally owned items and that no business be operated from this location, on the following described property:

The North 146.5 feet of the South 439.5' of the West 305', Block 10, O'Connor Park, Tulsa County, State of Oklahoma.

Case No. 12036

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in the Residential Districts - Request to allow multifamily dwellings in an OL Zoned District. This property is located at the NW corner of 21st Street and 89th East Avenue.

Presentation:

Verlean Smith, 1918 South 89th East Avenue, was present to address the Board requesting an exception to the present zoning to permit the construction of single level condominium brick dwellings containing one bedroom units. The proposed condominium use is intended for individuals 62 years and older. A courtyard will be located in the back of the property and a covered carport on the west side. The proposal will be a life retirement center where individuals can purchase the units and will be permitted to renew their contract every five (5) years. A plot plan is not available at this time.

Protestants: None.

Board Comments:

Mr. Victor advised that a screening wall should be required on the north and west sides of the subject property.

Mr. Gardner advised that if the application is approved the applicant needs to come before the Board with the building plans before a building permit is issued.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 610 - Principal Uses Permitted in the Residential Districts) to allow multifamily dwellings in an OL District, subject to the masonry construction as stated by the applicant and that the structure be one-story, that a screening fence be erected on the north and west sides, and that the architectural design be consistent with the surrounding area, subject to the applicant returning to the Board with site plan and elevation plans of the proposed structure before a building permit is issued, on the following described property:

Case No. 12036 (continued)

The South 350 feet of the East 158.5 feet, Block 10, O'Conner Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12037

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the side yard and rear yard requirements. This property is located at 1218 North 91st East Avenue.

Presentation:

Herbert Fowler, 1218 North 91st East Avenue, was present to address the Board and submitted a plot plan showing the proposed garage on the side of the house (Exhibit "I-1") and a plot plan showing the proposed garage at the back of the house (Exhibit "I-2").

Mr. Fowler advised that the Board previously approved the application and one of the plans. Mr. Fowler advised that an existing tree was cut down so that the garage could be constructed on the side of the house and there is only 2' & 6" between the garage and the existing fence. The Board previously approved the application permitting a 6.1' side yard and now the proposed garage will be 2.6' or 2.5' from the fence.

Protestants: None.

Board Comments:

Mr. Victor asked how close the neighbor's property is to the proposed garage and Mr. Fowler advised that the neighbor's property is 5' from the fence and there is 2.6' between the fence and the proposed garage. Mr. Fowler advised that he had talked to his neighbor about the proposed garage and he has no objections.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, 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 side yard and rear yard requirements, per plot plan submitted (with the garage to the side of the house), on the following described property:

Lot 1, Block 3, Layman Acres, City of Tulsa, Tulsa County, Okla.

Case No. 12038

Action Requested:

Variance - Section 280 - Structure Setbacks from Abutting Streets - Request for a variance of the setback requirements from Harvard Avenue. This property is located at the NW corner of Admiral Place and Harvard Avenue.

Presentation:

Roy Johnsen, attorney, 324 Main Mall, Suite 900, was present to address the Board representing Quik-Trip, Inc., and submitted a plot plan (Exhibit "J-1"). Mr. Johnsen advised that there is an existing Quik-Trip store and existing gasoline island on the subject property and the expansion of the island with a canopy is proposed. The island itself

Case No. 12038 (continued)

meets the Zoning Code's requirements, but the canopy overhangs the proposed right-of-way. The Code requires a 50' setback from the major street or highway and the applicant is seeking a variance of 6' on the requirement. Mr. Johnsen advised that the applicant has no objections to a removal contract being required if the application is approved.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 280 - Structure Setbacks from Abutting Streets) of the setback requirements from Harvard Avenue, per plot plan submitted, subject to a removal contract being filed with the City of Tulsa, on the following described property:

All that part of Lot 11, Block 1, Pomeroy Heights Addition to the City of Tulsa, Tulsa County, Oklahoma, described as:

Beginning at the Southwest corner of Lot 11; thence East to the Southeast corner of Lot 11; thence North 130.96'; thence West to the West line of Lot 11; thence South 131.11' to the point of beginning and the East 20' of the South 131.11' of Lot 12, Block 1, Pomeroy Heights Addition.

Case No. 12039

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow two (2) mobile homes in an RS-3 District; and a Variance - Section 440.6 (2) (a) - Special Exception Uses in Residential Districts - Request for a variance of the one-year time limit requirement to five (5) years and a request that two (2) mobile homes to be permitted on one lot. This property is located at 2171 East Ute Street.

Presentation:

J. A. Baswell, 131 North 44th West Avenue, was present to address the Board requesting permission to place two mobile homes on the subject property, which has an existing house on it. Mr. Baswell advised that he had checked with the Sewer and Water Department about the proposed use. He also advised that he had talked to about 10 or 15 homeowners in the area who were in support of the application.

Protestants: None.

Board Comments:

Mr. Smith asked if the mobile homes, as well as the house, would be used for rental purposes and Mr. Baswell answered in the affirmative.

Mr. Victor asked if there were other mobile homes in the area and Mr. Baswell stated that he was not aware of others in the immediate area.

Mr. Victor expressed a concern of the Board's interpretation of not limiting the number of mobile homes on a lot of record. He then referred to Section 440.6 (b) of the Zoning Code and felt that this Section

Case No. 12039 (continued)

should be considered and researched. Russell Linker, Legal Department, advised that he would study the Section and talk with Mr. Gardner about the matter.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow two (2) mobile homes in an RS-3 District; and a Variance (Section 440.6 (2) (a) - Special Exception Uses in Residential Districts) of the one-year time limit requirement to 5 years and a request that two (2) mobile homes be permitted on one lot, on the following described property:

The West 98' of Lot 2, Block 1, Conservation Acres, a subdivision in Tulsa County, Oklahoma, according to the recorded plat thereof.

Case No. 12040

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request to allow a home occupation, beauty shop in an RM-2 zoned District. This property is located at 1314 North Olympia Avenue.

Presentation:

Elvina Thierry, 1314 North Olympia Avenue, was present to address the Board stating that she had intended to use her garage as a home occupation (beauty shop). Ms. Thierry is now planning to move her beauty shop to Okmulgee; and she is therefore withdrawing her application.

Protestants: None.

Staff Comments:

Mr. Gardner advised that a refund of a portion of the fee may be appropriate.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to withdraw the application and refund half ( $\frac{1}{2}$ ) of the \$50 filing fee to the applicant.

Case No. 12041

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to put a mobile home in an RS-3 District. This property is located at 5382 South 36th West Avenue.

Presentation:

Guy Johnson, 5382 South 36th West Avenue, was present to address the Board and submitted a drawing showing the location of the mobile home (Exhibit "K-1"). Mr. Johnson advised that the request is not for a permanent dwelling, but would be rented to anyone who needed a place of residence until they could find a permanent residence.

Case No. 12041 (continued)

Protestants:

David Hoffman, 5358 South 36th West Avenue, was present to address the Board in protest to the application because the subject area is for single-family residential use.

Board Comments:

Mr. Smith inquired as to the septic system and Mr. Johnson advised that he intended to mount two 55 gallon barrels on an axle and it would be dumped into a sewage disposal plant, if approved by the Health Department.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to put a mobile home in an RS-3 District, on the following described property:

Lot 23, Block 2, Southwest Gardens Addition, Tulsa County, Okla.

Case No. 12043

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the 10-foot setback from abutting R Districts; and a Variance - Section 1215.3 - Use Conditions - Request for a variance of the screening requirement from abutting R Districts. This property is located at 10406 East 41st Street.

Presentation:

Lyon Morehead, 202 West 8th Street, was present to address the Board and submitted a site plan (Exhibit "L-1") and a letter from Ruben Haye, City Engineering Department, stating that the subject property is in a floodplain and a floodway. The letter also stated that a privacy fence would adversely affect floor elevations (Exhibit "L-2").

Mr. Morehead advised that the application is to correct a problem dealing with the approval of Case No. 11871 of the project per the plot plan submitted. The approval was not specific in that it did not grant a variance to allow the construction of the building within 10' of the east boundary line. Mr. Morehead advised that the entire parking lot is in the floodplain. To use the subject property, it is necessary to make the maximum use of that area outside the floodplain. They are asking for a variance of the requirement for the 10' setback from an R District boundary on the east boundary. They are also requesting that the screening requirement be waived because the subject property is in a floodplain.

Protestants:

Leonard Andrews, 4130 South 104th East Avenue, manager of Rockwood Village Mobile Home Park, was present to address the Board requesting that the screening fence be installed between the two properties.

Board Comments:

Mr. Smith advised that a screening fence can not be imposed in a floodplain area because it will impede the flow of water.

Case No. 12043 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) of the 10-foot setback from abutting R Districts; and a Variance (Section 1215.3 - Use Conditions) of the screening requirement from abutting R Districts, per site plan, on the following described property:

The North 229.38' of the East 300' of the North 528.53' of the NE/4 of the NW/4 of Section 30, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded plat thereof, LESS the North 75' and the East 63.55' thereof.

Case No. 12045

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Request to allow a church in an AG District. This property is located at 8400 South Elwood Avenue.

Presentation:

Mark Sterns, 5638 South 85th East Avenue, was present to address the Board representing Open Bible Christian Center and submitted a site plan (Exhibit "M-1"), an elevation plan (Exhibit "M-2") and a rendering showing Phase I and Phase II (Exhibit "M-3"). Mr. Sterns requested that a church use be granted for the proposed structures. Phase I would be constructed first and as church growth continued Phase II will be erected. At that point, Phase I would be used as an educational center and auxiliary service building.

Robert Ross, 5643 South 85th East Avenue, the minister of the congregation, was present to address the Board and advised that the proposed plans include a private school use and a day care facility. The day care facility would be included in the Phase I stage.

Protestants: None.

Board Comments:

The Board members were concerned that adequate parking be provided for both Phases. Mr. Sterns advised that the parking area would be located directly to the south and west of the first building and as the growth continued, parking will also be located to the west of the second building.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to allow a church use in an AG District, subject to the applicant returning to the Board with building plans, and information concerning parking, enrollment for the day care center and private school, prior to the issuance of a building permit, on the following described property:



Case No. 12045 (continued)

A tract of ground situated in the SE/4 of the NE/4 of Section 14, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, to wit: Beginning at a point on the East line of the SE/4 of the NE/4 of Section 14, 60.0' South of the NE corner thereof; thence South along the East line of Section 14, a distance of 760.79'; thence North 89°-51'-11.23" West a distance of 730.6'; thence North 21°-22'-32.2" East a distance of 816.33' to a point 60.0' South of the North line of the SE/4 of the NE/4; thence East along a line parallel with, and 60.0' equal distance South of the North line of the SE/4 of the NE/4 a distance of 434.57' to the point of beginning, containing in all 10.175 acres.

Case No. 12057

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to locate a church in an RM-2 District; and a Variance - Section 1205.3 - Use Conditions - Request for a variance of the lot area requirement of 1-acre. This property is located at 1203 West Archer Street.

Presentation:

Frank Chiles, 4703 South Waco Avenue, was present to address the Board representing the Christ Gospel Church. Mr. Chiles submitted a site plan (Exhibit "N-1"). Mr. Chiles advised that the exception request is to build a Sunday School building attached to the back of the existing non-conforming Church building. The Special Exception is needed to approve church use and the variance is needed to permit the addition.

Protestants: None.

Board Comments:

Mr. Smith inquired as to the parking and Mr. Chiles advised that they have adequate parking presently. Mr. Chiles advised that the Church owns two additional lots in the immediate area, which can be used for additional parking if required.

Mr. Smith asked if the request was for a school use also, and Mr. Chiles answered no.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) for a church building to be attached to original Church building in an RM-2 District; and a Variance (Section 1205.3 - Use Conditions) of the lot area requirement of 1-acre, per site plan submitted, on the following described property:

Lots 8 and 9, Block 14, Owens Amended Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12058

Action Requested:

Variance - Section 310 - Principal Uses Permitted in the Agriculture Districts - Request for a duplex use in an AG District; and a Variance

Case No. 12058 (continued)

Section 208 - One Single-Family Dwelling Per Lot of Record - Request for more than one dwelling per lot of record. This property is located at 4404 South 193rd East Avenue.

Presentation:

Thomas Birmingham, attorney, 2727 East 21st Street, was present to address the Board representing the applicant, Charles Wood. Mr. Birmingham submitted the plot plan (Exhibit "O-1").

Mr. Birmingham advised that there are two existing single-family homes and a 4,000' accessory building located on the 20-acre tract in question. The applicant intends to convert the accessory building into a duplex. There would be no exterior change to the structure which is constructed of Cedar siding. The applicant intends to live in one side of the duplex and his mother will live in the other side.

The change will be an asset to the neighborhood and will not be detrimental.

Protestants: None.

Board Comments:

The Board advised the applicant that if he sells the duplex that he would have to file for a lot-split, or rezone the land, and come before the Board again meeting the platting procedure.

Mr. Victor suggested that the property in question be limited to the 3 structures, or 4 dwellings, as presented.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait "absent") to approve a Variance (Section 310 - Principal Uses Permitted in the Agriculture Districts) for a duplex in an AG District; and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) for more than one dwelling per lot of record, to limit the number of residences to four (4) dwelling units consisting of the proposed duplex and two single-family residences, per plot plan submitted, on the following described property:

The S/2, SE/4, NE/4 of Section 25, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

OTHER BUSINESS:

Case No. 11351

Consider approval of amended plot plan for Case #11351.

Presentation:

Richard Reese, 8316 South Pittsburg Avenue, was present to address the Board and submitted a revised plot plan reflecting the additional parking spaces (Exhibit "P-1"). Mr. Reese, representing Oil and Gas Consultants International, advised that the proposed office building was previously approved and at this time seven (7) additional parking spaces

Case No. 11351 (continued)

are proposed. Mr. Reese advised that Protective Inspection's Department, Traffic Engineering Department and the Hydrology Department have all been contacted concerning the additional parking. The Staff has also reviewed the plot plan with the applicant. Thirty-three (33) parking spaces are presently in place and some of the "green area" will be converted for the additional parking.

Comments:

Dorotha Miller, Protective Inspections, advised that she had suggested that the applicant come to this Board because the plot plan would be different than the original one which had been approved. Previously, the "green area" had been discussed and the proposed parking will reduce that area.

Mr. Gardner advised that there was some concern with the drainage previously, but the applicant has talked with the Hydrology Department concerning that aspect.

Mr. Victor asked if any additional landscaping was proposed and Mr. Reese advised that some additional landscaping would be added.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") that the Board accept the substitute plot plan and that the seven (7) additional parking spaces be permitted, and that landscaping will be provided as shown on the drawing and that a color rendering showing the landscaping and drawing be submitted for the file.

Case No. 11525

Action Requested:

Clarification concerning Board Action on Case No. 11525 heard on December 17, 1981.

Presentation:

Mr. Gardner advised that the applicant, Charles Norman, submitted an elevation plan, a site plan, a planting plan and three elevation drawings of signs which the Board approved at that time. The motion approving the request states that the Board approved the detailed plans and drawings of the signs as submitted, subject to conditions. Dorotha Miller, Protective Inspections, felt that the wording of the motion should be changed to more specifically state that all of the plans were approved.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") that the Minutes of December 17, 1981, be changed concerning Case No. 11525 that the motion will state that the Board approved the elevation plan, site plan, planting plan and three (3) elevation drawings of signs.

There being no further business, the meeting adjourned at 3:55 p.m.

Date Approved

8 - 19 - 82

  
Chairman