

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 369
Thursday, August 19, 1982, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Chappelle
Purser (in at 2:25 p.m.)
Smith, Chairman
Victor
Wait (in at 1:08 p.m.,
out at 4:00 p.m.)

STAFF PRESENT

Gardner
Jones
Martin

OTHERS PRESENT

Hubbard, Protective
Inspections
Jackere, Legal
Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Monday, August 16, 1982, at 12:20 p.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present Chairman Smith called the meeting to order at 1:04 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 July 8, 1982 (No. 366).

WITHDRAWN CASES:

Mr. Smith advised that Case No. 12127 has been withdrawn from the agenda.

UNFINISHED BUSINESS:

Case No. 12110

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Request to locate a sign 42' from the centerline of Sheridan Road when the Major Street Plan setback is 50'. This property is located at 715 South Sheridan Road.

Presentation:

Harold Hawkins, 915 North 33rd West Avenue, was present and advised the Board that he had talked with the sign inspector and was advised to turn the sign around toward the building. He stated that the sign previously was proposed to overhang the street right-of-way, but has been turned around. He advised that the sign would be placed on an existing pole.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 280 - Structure Setback from Abutting Streets) to locate a sign 42' from the centerline of Sheridan Road, the Major Street Plan setback is 50', in accordance

Case No. 12110 (continued)

with the applicant's statement concerning the orientation of the sign, removal contract required, on the following described property:

Lot 12, Block 20, Sheridan Hills Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12111

Action Requested:

Variance - Section 830 - Bulk and Area Requirements in the Corridor District - Request to permit transfer of the allowable floor area in an abutting CS District to C0 District and request for a variance of the maximum of 30% to 37% within a C0 District (overall coverage 19% total tract) and a request for a variance of the setback from the centerline of 51st Street; and a

Variance - Section 730 - Bulk and Area Requirements in the Commercial District - Request to permit the transfer of the allowable floor area in an abutting CS District to C0 District, and a request for a variance of the setback from the centerline of 51st Street; and a

Special Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirement - Request to modify the screening requirement on the North side that is abutting the expressway. This property is located at 2221 East 51st Street.

Presentation:

V. M. Piland, 4949 East 68th Street, architect for the applicant, Victor Hill, was present and submitted the site plan (Exhibit "A-1"), and a drawing showing the elevation of the proposed structure (Exhibit "A-2").

Mr. Piland advised that the subject property has a combination zoning of CS and C0. The C0 zoned portion of the land would allow for the 30,400 square-foot proposed office building and the CS zoned portion of the subject property allows for the parking necessary to support that area of the building. Modification of the screening fence requirements is requested because surrounding properties have shrubbery for a screening requirement and the applicant is asking for the same request between the building and Skelly Drive.

The applicant also intends to build a one-level parking deck on the subject property, which slopes from west to east with the highest point on the west side. The parking structure would be at grade level on the east end and would be approximately one-story in height on the west end.

The proposed office building will be on the building setback line, which is 100' from the centerline of 51st Street. The proposed office building will be a condominium office building and will be totally owner occupied.

Protestants: None.

Board Comments:

Mr. Smith asked if the parking structure would have shrubbery around it and Mr. Piland answered yes that they intend to landscape it.

Case No. 12111 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 830 - Bulk and Area Requirements in the Corridor District) to permit transfer of the allowable floor area in an abutting CS District to CO District and a variance of the maximum of 30% to 37% within a CO District (overall coverage 19% total tract) and a variance of the setback from the centerline of 51st Street; and a Variance (Section 730 - Bulk and Area Requirements in the Commercial District) to permit the transfer of the allowable floor area in an abutting CS District to CO District; and a variance of the setback from the centerline of 51st Street to permit the parking structure; and a Special Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirement) to waive the screening requirement on the north side that is abutting the expressway, per site plan and drawings submitted, on the following described property:

Part of the S/2 of the SE/4 of the SE/4 of Section 30, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows, to wit:

Beginning at a point on the South line of said Section 30, said point being 660' Westerly of the Southeast corner thereof; thence Northerly and parallel to the East line of said Section 30, a distance of 240' to a point on the Southerly Right-of-Way line of 51st Street Bypass; thence Westerly along the Southerly Right-of-Way line of 51st Street Bypass a distance of 130.33 feet to a point; thence Southwesterly along the Southeasterly Right-of-Way line of 51st Street Bypass a distance of 56.41' to a point; thence Southerly and parallel to the East line of said Section 30, a distance of 227.22' to a point on the South line thereof; thence Easterly along the South line of said Section 30, a distance of 185' to the point of beginning.

Case No. 12114

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request for off-street parking in an RM-2 District. This property is located at the SE corner of 16th Street and Cheyenne Avenue.

Presentation:

Louis Levy, 5200 South Yale Avenue, attorney for the applicant, was present and requested that the case be continued for two weeks.

Protestants:

There were several present in protest to the application.

Board Comments:

Mr. Smith advised that the application was continued at the last meeting at the request of the protestants.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the September 2, 1982 meeting.

Action Requested:

Special Exception - Section 1450 - Structural Nonconformities - Request to expand a nonconforming church; and a Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request for school use in an RS-3 District. This property is located at 3315 West 1st Street.

Presentation:

Thomas Smith was present on behalf of Max Goode and representing Hale Pentecostal Church, 3315 West 1st Street. Mr. Smith advised that the application was continued at the previous meeting to advertise for the proposed school use.

Protestants:

Delores Smith, 108 East 33rd West Avenue, was present in protest and advised the Board that there was no room for off-street parking because the road is very narrow. The members of the Church proceed to park on the street and create a hazard to the children and others in the area. She also advised that there is no room for a playground facility.

Board Comments:

Mr. Victor inquired as to the enrollment and days and hours of the school. Mr. Thomas Smith stated that the enrollment would be limited to 40 children, kindergarten through twelfth grade. The school's days would begin at 8:30 a.m. and would end at 3:30 p.m. for nine months a year, or 175 days of the year.

Mr. Gardner advised that when the approval for church expansion was granted at the previous meeting, it was for additional classroom space and not sanctuary space. The applicant, therefore, has adequate parking provided. He asked Mr. Thomas Smith how many children would be driving to school and the applicant stated that only one child was old enough to drive, but would walk.

The Board requested that the Church members be asked not to park on the street, but rather utilize the parking spaces provided.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 1450 - Structural Nonconformities) to expand a nonconforming church; and a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) for school use in an RS-3 District, subject to the following conditions:

- 1) That the maximum enrollment not exceed 40 students, kindergarten through twelfth grade, to operate on a 175 school day schedule, and that the parking lot be utilized rather than the on-street parking, on the following described property:

The South 160' of Lot 1 and the South 160' of the East 30' of Lot 2, Block "A", Joe Subdivision and the South 100' of the West 70' of Lot 2, Block "A", Joe Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow office use in an RM-2 District; and a Variance - Section 630 - Bulk and Area Requirements in the Office District - Request for a variance of the required minimum setback from the centerline of Cheyenne Avenue from 65' to 50' and a request for a variance of the minimum setback from an abutting R District from 10' to 3.5'. This property is located at 1632 South Cheyenne Avenue.

Presentation:

James Steyer, 7331 East 66th Street, was present stating that the request is for a special exception to utilize an existing building on the subject location for office use. Mr. Steyer advised that he is withdrawing the request for the variance at this time, since it is no longer needed.

The applicant intends to restore the exterior of the existing structure and remodel the interior and use the structure for offices. He advised that some of the trees would be removed and parking would be provided in the rear and access would be through an alley which presently exists.

The proposed office tenants would not require an excessive amount of parking area. The structure would be an asset and not a detriment to the subject area.

Protestants:

James E. Walker, 1639 South Cheyenne Avenue, was present and submitted a protest petition signed by approximately 100 residents of the Cheyenne-Carson area, (Exhibit "AA-1") and 15 photographs of the subject property and other residences in the area (Exhibit "AA-2"). Mr. Walker stated that he was opposed to the office use, but was not opposed to duplex or condominium use as was previously proposed by the applicant.

Audra Roop, 1632 South Denver Avenue, was present and inquired about the proposed parking and security for the office structure. She requested that the application be denied so that the subject area will remain residential.

Board Action:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow office use in an RM-2 District, on the following described property:

Lot 8, and the N/2 of Lot 9, Block 8, Stonebraker Heights to the City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES:

Case No. 12129

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the front setback from 30' to 28' & 6" and 27'. This property is located at 4517 East 85th East Avenue.

Presentation:

Alan Madewell, 7926 East 59th Street, architect representing the applicant, John Arnold, was present and submitted a plot plan (Exhibit "B-1"). Mr. Madewell advised that the proposed house encroaches about 3 1/2' into the 30' setback line. The lot is irregular in shape and is situated on a cul-de-sac. The topography drops approximately 12' from the back to the front of the subject lot. Mr. Madewell advised that only the corner of the house encroaches into the setback. He also stated that his company has built many of the houses in the subject area.

Protestants: None.

Board Comments:

Mr. Chappelle asked if the residence was already constructed and Mr. Madewell answered no.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Minor Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the front setback from 30' to 28' & 6" and 27', per plot plan submitted, on the following described property:

Lot 18, Block 2, Brookwood II Addition, Tulsa County, Oklahoma.

Case No. 12142

Action Requested:

Variance - Section 207 - Street Frontage Required - Request for a variance to have less than 30' on a dedicated street to permit a lot-split; and a Variance - Section 630 - Bulk and Area Requirements in the Office District - Request for a variance of the bulk and area requirements to permit a lot-split. This property is located north of the northwest corner of 74th Street and Yale Avenue.

Presentation:

Mr. Smith advised that the Planning Commission has to hear the case before this Board can act on it.

Protestants: None.

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 September 2, 1982 meeting.

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Case No. 12143

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a minor variance of the minimum lot width to permit a lot-split. This property is located at 1325 North Pittsburg Avenue.

Presentation:

Alan Bagwell, 1325 North Pittsburg Avenue, was present and requested that the variance be granted because he is building onto the back of his house. He advised that the application was approved by the Planning Commission at their meeting yesterday.

Protestants: None.

Staff Comments:

Gardner advised that the Planning Commission granted the lot-split yesterday although the lot had already been split, but did not have a lot-split stamp of approval. It involves a legal technicality.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the minimum lot width to permit a lot-split, on the following described property:

The N/2, W/2, W/2, SW/4, NW/4, NE/4 of Section 33, Township 20 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12144

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial District - Request for a minor variance to permit a lot-split (waiver of the CS 150' frontage to allow 103.04 frontage). This property is located at 8107 East Admiral Place.

Presentation:

Mike Auzier, 12248 East 60th Street, was present stating that he intends to locate a small office building on the subject property. The proposed two-story office building will contain 5,000 square feet.

Due to the topography and irregular shape of the lot it will allow for more covered parking at the back portion of the lot. The lot-split was approved by the Planning Commission yesterday.

Protestants: None.

Remarks:

Mr. Jackere advised that the applicant is not properly advertised for the setback request or for the two-story request. The Board can only act on the lot-split request at this time. He advised the applicant to provide the Building Inspector with plans and they could further advise him of what relief he needs from this Board.

Mr. Gardner advised that the Staff had received a letter from Golden State Homes stating what the applicant was requesting. The letter was overlooked by the Staff and he suggested that the case be continued for

Case No. 12144 (continued)

readvertising at the expense of the City.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in the Commercial District) to permit a lot-split (waiver of the CS 150' frontage to allow 103.04' frontage) and to continue this item to September 2, 1982 meeting to allow for advertising of other requirements concerning the development of the subject property at the expense of the City.

Case No. 12149

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a minor variance of the frontage requirement to 102.92' to permit a lot-split. This property is located at the west side of Sheridan Road.

Presentation:

Eileen Belcher, 5343 East 22nd Street, was present requesting a variance of the frontage requirements from 150' to approximately 103' to permit a lot-split. She advised that the lot-split approval is required by the attorney as a part of the sale. The subject property was previously a part of a larger tract.

Protestants: None.

Board Comments:

Mr. Victor asked if any new construction would take place on the lot in question and Ms. Belcher answered no. She stated that this portion of the tract needs to be split from the remaining portion of the lot so that it can be sold.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) of the frontage requirements to 102.92' to permit a lot-split, on the following described property:

A tract of land situated in the Southeast Quarter of Section 15, Township 19 North, Range 13 East of the Indian Base and Meridian, in Tulsa County, State of Oklahoma, more particularly described as:

Beginning at a point 540' North and 50' West of the Southeast corner of said Section 15; thence Northerly and parallel to the East line of said Section 15 a distance of 102.92'; thence West and parallel to the South line of said Section 15 a distance of 150'; thence Southerly a distance of 102.92'; thence East a distance of 150' to the point of beginning.

NEW APPLICATIONS:

Case No. 12150

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the rear yard setback from 25' to 17'. This property is located at 4548 East 85th Street.

Presentation:

E. W. Paul, 2257 East 48th Street, was present and submitted a site plan of the subject property (Exhibit "C-1"). Mr. Paul requested an 8' variance of the rear yard setback and stated that only 3' of that variance is for the house and the remainder is for the decking on the side of the house.

Protestants:

Wylie Brown, 2942 East 48th Street, was present in protest to the application stating that if the house is constructed on the subject lot it will affect his view. He also stated that it would affect the sale of his house next door.

Board Comments:

Mr. Victor asked if the house was already constructed and Mr. Paul answered no.

Mr. Smith advised that the decking would be 17' from the rear property line rather than the house.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-1-0 (Chappelle, Victor, Wait, "aye"; Smith, "nay"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the rear yard setback from 25' to 17', per plot plan submitted, on the following described property:

Lot 5, Block 2, Brookwood II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12091

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow a child care development center (pre-school) in a residential district. This property is located at 1110 East 45th Place.

Presentation:

Alta Hayes, 524 South Xanthus Avenue, was present and submitted a sketch drawing of the school (Exhibit "D-1"), a copy of the lease agreement (Exhibit "D-2") and a petition of support bearing approximately 71 signatures (Exhibit "D-3").

Ms. Hayes requested permission to operate a preschool child development center at the subject location. The school would be in operation from 7:00 a.m. to 6:00 p.m. Mondays through Fridays. The unit which is located in Wright Elementary School contains 2,100 square feet and would

Case No. 12091 (continued)

accommodate approximately 35 children. The development center has been allotted 3,500 square feet of the school grounds. The entrance and parking will be located on the west side and will facilitate 45 parking spaces.

Protestants: None.

Board Comments:

Mr. Smith asked if any signs were proposed for the child development center and Ms. Hayes stated that there would be one unlighted sign above the entrance door to identify the facility.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow a child care development center (preschool) in a residential district, that the hours of the operation be from 7:00 a.m. to 6:00 p.m. on Mondays through Fridays, with a maximum enrollment of 35 children, that no lighted signs be permitted, on the following described property:

Beginning at a point located approximately 2,206.02' South and 60' West of the NE corner of Section 25, Township 19 North, Range 12 East; thence South along the West Right-of-Way of Peoria Avenue a distance of approximately 840'; thence West to a point on the East Right-of-Way line of Madison Place; thence North along the East Right-of-Way line of Madison Place to the South Right-of-Way line of 45th Place; thence East along the South Right-of-Way line of 45th Place to the West Right-of-Way line of South Peoria Avenue, said point being the point of beginning, LESS and EXCEPT the East 170' of the South 160' thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12120

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow a mobile home in an RS-3 zoned District along with an existing single-family dwelling. This property is located at 2803 East 45th Street North.

Presentation:

Waldo Jones, 1520 North Hartford Avenue, attorney representing the property owner, advised the Board that the applicant was permitted to locate her mobile home on the subject property in 1975. The applicant failed to return to the Board within a year and is requesting that the approval be granted at this time to obtain a building permit to get a new gas meter installed on her property. The applicant is in a wheel chair and has two children and was granted permission to place the mobile home on the subject property to be near her mother.

The applicant, Marjorie Jenkins, 2803 East 45th Street North, was present and advised the Board that the mobile home is located behind her mother's house. The mobile home has been at its present location for approximately seven (7) years and has a chain link fence around it.

Case No. 12120 (continued)

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow a mobile home in an RS-3 Zoned District along with an existing single-family dwelling, for a period of one year, removal bond required, on the following described property:

Lot 12, Block 3, Lakeview Heights Amended Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 12121

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate a mobile home in an RM-2 District; and a Variance - Section 440.6 - Special Exception Uses in the Residential Districts, Requirements - Request for a variance to allow a mobile home for five (5) years. This property is located at 828 South 63rd West Avenue.

Presentation:

Sue Johnson, Rt. 2, Box 52, Jennings, Oklahoma, was present and requested permission to place a mobile home on the subject property for a period of five (5) years. She advised that there are other mobile homes in the surrounding area.

Protestants: None.

Staff Comments:

Mr. Gardner advised that the area located west of the subject property is zoned IM and contains a mobile home park and numerous mobile homes are located south of the subject tract.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate a mobile home in an RM-2 District; and a Variance (Section 440.6 - Special Exception Uses in the Residential Districts, Requirements) to allow a mobile home for a period of three (3) years, on the following described property:

Lot 14, Block 1, Trimble Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12123

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request for a mobile home to be used as a classroom for five (5) years. This property is located at 1423 South 74th East Avenue.

Case No. 12123 (continued)

Presentation:

James Canifax, 6721 East 4th Place, principal of Moody Christian Academy was present requesting permission to locate a mobile home on the subject property and submitted a plot plan (Exhibit "E-1"). The mobile home which will be used for two additional classrooms and will only be a temporary use until the proposed gymnasium project is completed.

Protestants: None.

Board Comments:

Mr. Smith inquired as to the mobile home and Mr. Canifax stated that the mobile home is a 1972 or 73 model and is 12' x 60'. Each classroom will be approximately 12' x 27' in size.

The Board did not feel that they could grant the request for five (5) years.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-1 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; Purser, "abstaining"; none "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) for a mobile home to be used as a classroom for three (3) years, on the following described property:

Block 13, LESS Lot 17 and the South 20' of Lot 10 and Lots 11-20, 23 and 24, Block 14, Eastmoor Park Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12124

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Request for a garage apartment in an RS-3 District. This property is located at 1348 South Louisville Avenue.

Presentation:

Lou Ann Bullard, 1348 South Louisville Avenue, was present and submitted a plot plan (Exhibit "F-1") and eleven (11) photographs of the apartments in the area (Exhibit "F-2"). Ms. Bullard proposes to convert her existing detached garage into an apartment for her elderly mother to reside in. She advised that it will never be commercially rented to anyone other than her mother. All the neighbors in the area are in agreement to the request.

Protestants:

Shirley Spears, 1309 South Knoxville Avenue, was present in protest stating that the area is designated for single-family dwellings. She felt that if the proposed garage apartment was approved that it would decrease property values. She also stated that there are many cars in the area and it would present a problem if the application were approved.

Eugene Colleoni, District #4 Chairman to the Greater Tulsa Council, was present and advised that the applicant's request is in violation to the District Plan. He suggested that the applicant add another story onto her house.

Case No. 12124 (continued)

Board Comments:

Mr. Victor asked if a kitchen would be located in the proposed apartment and Ms. Bullard answered in the affirmative.

Mr. Gardner advised that if the request was for additional space to be added to an existing dwelling unit and no additional kitchen facility was added and is still a part of the same structure it would be permitted. Since the proposed apartment is a detached structure, it becomes another dwelling unit on the lot.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-2-0 (Purser, Smith, Victor, "aye" Chappelle, Wait, "nay"; no "abstentions"; none "absent") to DENY a Variance (Section 410 - Principal Uses Permitted in the Residential Districts) for a garage apartment in an RS-3 District, on the following described property: Lot 24, Block 14, Summit Heights Addition, Tulsa County, Oklahoma.

Case No. 12125

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the rear yard setback from 25' to 11'. This property is located at 2460 East 36th Place.

Presentation:

Dave Miller, 5525 East 51st Street, was present representing the applicant, Dwayne Allen, and submitted a plot plan (Exhibit "G-1"). Mr. Miller advised that the applicant proposes to expand his house as shown on the plot plan. He stated that there are other structures on adjoining lots which are built closer than the 25' setback requirement.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the rear yard setback from 25' to 11', per plot plan submitted, on the following described property:

Part of Lot 1, Block 4, Oakview First, A resubdivision to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to wit:

Beginning at a point on the South line of Lot 1, Block 4, said point being 16.48' Northeast from the South corner of said Lot 1; thence Northeast along said South line 377.98' to the East corner of said Lot 1; thence Southwest along a curve of radius of 472.40', 104.85' to a point of compound curve; thence West along a curve of radius of 404.14' a distance of 167.56' to a point of reverse curve; thence West along a curve of radius 916.65' a distance of 77.42'; thence South a distance of 137.30' to the point of beginning, LESS and EXCEPT: The East 155.73' of Lot 1, Block 4, Oakview First. Resubdivision of Lots 1, 2, 12, 13, 14 and 15, Block 3, Oakview Estates Addition, City of Tulsa, Tulsa County, Oklahoma, which tract is more

Case No. 12125 (continued)

particularly described by metes and bounds as follows:

A strip of land in Lot 1 of Block 4, of said Resubdivision above described bounded as follows: Commencing at the East point of said Lot 1; thence West along the South Boundary of East 36th Place, a distance of 150'; thence South 25.13'; thence East along the Southern Boundary of Lot 1, to the place of beginning, and known as 2460 East 36th Place South.

Case No. 12126

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate a mobile home in an RS-3 District. This property is located at 4206 South 27th West Avenue.

Presentation:

Lee Taylor, 3204 South 93rd East Avenue, Apartment #222, was present requesting permission to locate a mobile home on the subject property. Mr. Taylor advised that the mobile home will have wood siding, shingled roof, and will be skirted around the bottom. The mobile home is 14' x 76' and is a new model.

Protestants:

Archie Shepard, 4231 South 27th West Avenue, was present and submitted a protest petition bearing approximately 33 signatures of property owners in the immediate area (Exhibit "H-1"). He advised that he was in protest to the application because the area is zoned for single-family dwellings.

Mrs. Wayne Sutherland, 4150 South 26th West Avenue, was present in protest to the mobile home stating that it would not be an asset to the area, but would decrease property values in the area. She also stated that there are no other mobile homes in the surrounding area. She expressed a concern about the parking and traffic in the subject area.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate a mobile home in an RS-3 District, on the following described property:

Lot 23 and 24, beginning at the SW corner of Lot 23, East 136.5'; North 101.7' to the NE corner of Lot 24, Southwest 170.22' all in Block 2, Park Addition, Town of Red Fork, now an addition to Tulsa County, Oklahoma.

Case No. 12128

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request for church use in an RM-2 District; and a Variance - Section 1205.3 - Use Conditions - Request for a variance of the parking requirements and of the one-acre minimum. This property is located at 431 South Birmingham Avenue.

Case No. 12128 (continued)

Presentation:

Roy Mowry, 8618 East 29th Street, was present representing Tulsa Youth for Christ, and submitted a plot plan (Exhibit "I-1"). Mr. Mowry advised that the existing church facility has been used for 30 years or more and they were recently made aware that they were not in compliance with the Zoning Code. They have received a contract for sale from a group of Tulsa University students who plan to purchase the property and use it for worship purposes. The building will not be expanded in size but internal remodeling will be done.

A representative from the other party under contract of sale was present and advised that the building would be used as a mosque and for prayer sessions. He advised that approximately 10 to 15 individuals would come to the building every day and approximately 50 individuals would come on Fridays for a meeting which lasts from 12:00 p.m. to 1:30 p.m.

Protestants: None.

Interested Parties:

Eugene Colleoni, District #4 Chairman to the Greater Tulsa Council was present and requested that the application be approved.

Jesse Raine, Rt. 1, Box 254, Bixby, Oklahoma, 74008, was present stating that he does not object to the application, but is concerned about the parking area.

Applicant's Comments:

Mr. Mowry advised that between 150 and 300 people have attended the church at the subject location. The students at TU who are proposing to buy the church building live within walking distance from the church and no more than 20 would be driving their cars.

Discussion ensued concerning the parking and Mr. Mowry advised that a vacant lot is located adjoining the subject property which could be utilized for parking.

Mr. Gardner advised that the Planning Commission waived the plat previously since there were no new buildings and they were already platted. The applicant was previously before the Board but at that time they were proposing to build a structure on a small area which did not have sufficient parking. At this location the building is already there and additional parking can be made available.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) for church use in an RM-2 District; and a Variance (Section 1205.3 - Use Conditions) of the parking requirements and of the one-acre minimum, on the following described property:

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

Case No. 12130

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office District - Request for 52% floor area ratio in an OM Zoned District. This property is located at 5929 South Peoria Avenue.

Presentation:

Joe Seibert, 4133 South Wheeling Avenue, was present and submitted a plot plan (Exhibit "J-1"). Mr. Seibert advised that the subject property is 300' along South Peoria Avenue and 290' deep. Mr. Seibert stated that they were required to deed 15' to the City of Tulsa along the front, therefore, making the floor area ratio 2% over what is allowed by the Code. The applicant has provided for 130 parking spaces and only 104 are required according to the Zoning Code.

Protestants: None.

Board Comments:

Mr. Smith asked if the additional 15' was for additional right-of-way for Peoria Avenue and Mr. Seibert answered in the affirmative.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office District) for .52% floor area ratio in an OM zoned district, per plot plan submitted, on the following described property:

Lots 8 & 9, Southlawn Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12131

Action Requested:

Variance - Section 280 - Structure Setback From Abutting Streets - Request for a variance from the Major Street Plan setback requirement of 60' on East 21st Street; and a Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance to permit the construction of service station fuel pump islands and a protective canopy within 47' from the centerline of East 21st Street. This property is located at the SW corner of 21st Street and Yorktown Avenue.

Presentation:

Charles Norman, 909 Kennedy Building, was present representing Getty Refining and Marketing Company and submitted a plot plan (Exhibit "K-1"), two photographs of the existing condition of the service station (Exhibit "K-2") and a picture of the proposed service station (Exhibit "K-3").

The purpose of the application is to permit the relocation of existing pump islands and the extension of an existing canopy. The plot plan shows changes in the existing conditions of the service station. It would move the first pump island from its present location of 6' & 6" back to 16' from the property line and would move the existing pumps to the front of the building. They are also proposing to extend the canopy out to a point 7' from the building line. Mr. Norman advised that he had presented the plans to Helmerich and Payne, Inc., (Yorktown

Case No. 12131 (continued)

Condo) and they gave their approval of the plans.

Protestants: None.

Board Comments:

Mrs. Purser was concerned that a hardship did not exist and she also expressed a concern that the canopy should not be so close to the street with extremely bright lighting. Mr. Norman advised that lighted fixtures would not be in excess of 36" square and would be approximately 16' apart with no exterior light on the canopy other than behind the Getty logo.

Discussion ensued concerning the location of the pump islands and the canopy and concerning the lighting.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to approve a Variance (Section 280 - Structure Setback From Abutting Streets) from the Major Street Plan setback requirement of 60' on East 21st Street; and a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) to permit the construction of service station fuel pump islands and a protective canopy 55' from the centerline of East 21st Street, per plot plan (revised) submitted, on the following described property:

The North 85' of Lots 1, 2 and 3, Block 1, in Brentwood Heights Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12132

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial District - Request to allow Use Units 13 and 14 (Convenience Goods and Services and Shopping Goods and Services) in an IL District. This property is located at 4717-4733 South Memorial Drive.

Presentation:

Ron Sipes, 9911 East 54th Street, was present and submitted a plot plan (Exhibit "L-1") and two photographs of the subject property (Exhibit "L-2"). Mr. Sipes presented the plans to the Board and requested that the special exception be granted in the industrial zoned district. The building in question has been leased to Name Brand Clothing, to an antique store and a beauty shop. The structure is located across the street from Ernie Miller Pontiac on 4700 South Memorial Drive. Mr. Sipes advised that the building has been upgraded.

Protestants: None.

Board Comments:

Mrs. Purser asked if the building was presently fully rented and Mr. Sipes answered in the affirmative. The applicant also advised that the parking spaces provided exceed the requirement.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-1 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; Smith, "abstaining";

Case No. 12132 (continued)

none "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Industrial District) to allow Use Units 13 & 14 (Convenience Goods and Services and Shopping Goods and Services) in an IL District, per drawings submitted, on the following described property:

The South 199.58' of Lot 1, Block 1, Jones Trucking Center,
to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12133

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial District - Request for a special exception to allow Use Units 13 and 14 (Convenience Goods and Services and Shopping Goods and Services) in an IL zoned district. This property is located at the SE corner of the Broken Arrow Expressway and Mingo Road.

Presentation:

Ron Sipes, 9911 East 54th Street, was present and submitted a site plan of the subject property (Exhibit "M-1"). The proposed use is an office park and the request is to allow Use Units 13 and 14. The structure front will be bricked 8' and will be glassed 10'.

Protestants: None.

Board Comments:

Mrs. Purser asked the applicant if adequate parking was provided and Mr. Sipes stated that they were required 1 space for every 275 square feet. Paula Hubbard, Protective Inspections, advised that the applicant is required one space for every 225 square feet. If he does not have adequate parking he will have to come back to the Board.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-1 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; none "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Industrial District) to allow Use Units 13 and 14 (Convenience Goods and Services and Shopping Goods and Services) in an IL zoned District, per drawings submitted, on the following described property:

The North 214' of Lot 1, Block 1, Diversified Industrial Park,
and Lot 4, Block 1, Diversified Industrial Park Addition to the
City of Tulsa, Tulsa County, Oklahoma.

Case No. 12134

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial District - Request to locate a Use Unit 19 (bar) in an IM District. This property is located at 1208 South Norwood Avenue.

Presentation:

Jimmy Leininger, 1133 South Memorial Drive, was present requesting permission to locate his bar at the subject location. He advised that his bar is presently located at 11th Street and Memorial Drive and will

Case No. 12134 (continued)

relocate at the subject property and will keep his same clientele.

Protestants:

Truman Rucker, 1502 South Boulder Avenue, attorney representing many of the property owners in the area submitted a protest petition bearing approximately 35 signatures (Exhibit "N-1") and a plat with red markings to indicate the businesses in the area (Exhibit "N-2"). The area is zoned IM and if the request is granted, a precedent could be set in that area. There is presently a bar at 11th and Norwood and no more is needed in that area as it would lead to a number of problems. This district's use is primarily daytime use.

Jim Newburn, 1142 South Norwood Avenue, owner and operator of Modern Sheet Metal, was present asking that the area receive the same protection as the residential neighborhoods.

Jim Wagoner, 1122 South Norwood, co-owner of Hurst Stone and Builders Supply Company, Inc., was present in protest to the application and requested that the subject area remain industrial in nature.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to DENY a Special Exception (Section 910 - Principal Uses Permitted in the Industrial District) to locate a Use Unit 19 (bar) in an IM District, on the following described property:

All that part of the NE/4 of the NE/4 of Section 10, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Survey thereof, particularly described as follows, to wit: Beginning at a point 579.90' South and 729.30' West of the Northeast corner of said NE/4, NE/4; thence West a distance of 263.95'; thence South 0°-07'-31" East a distance of 165.55'; thence East a distance of 262.89' to a point on the West boundary of Norwood Avenue; thence North along the West boundary of said Norwood Avenue, a distance of 125.30 feet; thence to the right on a curve of radius of 1,160' a distance of 40.26' to the point of beginning; also known as 1208 South Norwood Avenue, Tulsa, Oklahoma.

Case No. 12135

Action Requested:

Variance - Section 1340 (d) - Design Standards for Off-Street Parking Areas - Request to allow off-street parking on a not all-weather material. The property is located at the SW corner of 8th Street and Denver Avenue and SE corner of 5th Street and Denver Avenue and the NE corner of 5th Street and Denver Avenue.

Presentation:

Jack Killman was present representing Paul Chapman, executive director of TURA, 707 South Houston, and requested that the variance be granted on a temporary basis. A new 1,400 stall parking garage is being constructed close to the Civic Center, but will not be completed until in the spring. Additional parking is needed until the completion of the new parking garage. The request comes from a meeting with the Director of Public Affairs who expressed that more parking should be made available in this area.

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Case No. 12135 (continued)

Protestants: None.

Comments & Questions:

Mr. Jackere asked how long the request was needed for off-street parking on a now all-weather material lot and Mr. Killman stated that it would only be needed until the new parking garage was erected.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 1340 (d) - Design Standards for Off-Street Parking Areas) to allow off-street parking on a not all-weather material lot, for a period of one (1) year, on the following described property:

Lots 5-8, Block 133 and Lot 6, Block 151, Original Townsite and Lots 1-7, Block 2, Lots 1-3, Block 3, Bliss Addition, City of Tulsa, Oklahoma, Tulsa County, Oklahoma.

Case No. 12136

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the side yard requirement from 10' to 5' on both lots. This property is located at the NE corner of 64th Place and Sandusky Avenue.

Presentation:

Floyd Roberts, 2220 East 31st Street, was present stating that the Livingstone Park South Addition is a single-family area and has never been used as an RM-1 area. He requested that the two lots in question be granted a 5' and 10' side yard setback.

If the applicant was required to have both side yards be 10' it would create a hardship because the plans have already been drawn up and most of the lots in the area have 10' and 5' side yard setbacks.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the side yard requirement from 10' on one side to 5' for both lots, on the following described property:

Lots 6 & 7, Block 4, Livingstone Park South Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12137

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to allow a Use Unit 17 (muffler shop) in a CS District. This property is located at 10705 East 11th Street.

Presentation:

Richard Holmes, 1201 Fourth National Bank Building, was present representing the owner of the subject property, Ken Methvin, and submitted

Case No. 12137 (continued)

a plot plan (Exhibit "0-1"). Mr. Holmes advised that the structure was originally constructed as a service station and is now being used as a muffler shop. The applicant is requesting that he be permitted to use the structure as a muffler shop which would have five (5) bays and would have tilt-up rock panel construction around the building. If the proposed expansion is approved the trailer which is being used for the storage of mufflers will be removed.

Protestants:

Richard Hockett, owner of the apartment complex immediately west of the subject property was present and submitted a photograph of the subject property (Exhibit "0-2"). He stated that his concern is the condition of the subject property. He felt that if the application is approved that it will devalue property in the immediate area because it is an eyesore.

Applicant's Rebuttal:

Mr. Holmes advised that with the new addition the applicant will have more space to remove some of the outside storage and will be able to keep the site cleaner. The pump island and canopy will be removed and a reception area is planned for the building.

Board Comments:

Mr. Victor asked if mufflers would be manufactured at this location and Mr. Holmes answered no.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Purser, Victor, "aye"; Smith, "nay"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to allow a Use Unit 17 (muffler shop) in a CS District as described using tilt-up rock panels, subject to all work being performed inside, that all storage be inside with no outside storage being permitted, that refuse be placed outside in covered containers, and that no manufacturing of mufflers take place at the subject location, on the following described property:

Part of Lot 11, Block 2, East Eleventh Park Subdivision beginning at a point 30' North and 25' East of the Southwest corner; thence North and Parallel to the West line 145'; thence East and Parallel to the South line 140'; thence South along the East line 145'; thence West 140' to the point of beginning, Tulsa County, Oklahoma.

Case No. 12138

Action Requested:

Variance - Section 610 - Principal Uses Permitted in the Office District- Request for a Health Salon (Use Units 19 and 13) in an OM District. This property is located at 1821 East 71st Street.

Presentation:

Charles Norman, attorney representing Dr. Kuykendall, Jr., who has leased approximately 3,500 square feet in the South Bridge Office Park and intends to operate a Health Salon at the subject location. Mr. Norman submitted twelve (12) photographs of the subject property (Exhibit "P-1").

Case No. 12138 (continued)

Dr. Kuykendall was previously informed that he needed approval for a spa or health salon. The proposed use falls within the office medical zoning classification. Dr. Kuykendall, who is a chiropractic physician, has included within the facility some unique approaches to health. Dr. Kuykendall is also a licensed acupuncturist. Mr. Kuykendall prescribes weight control programs on an individual basis and deals with stress management and prescribes supervision therapy for those problems. His work also involves supervision of specialized massage techniques which are performed in these rooms.

Dr. Kuykendall would have a maximum of 6 employees working at the subject location and the facilities would hold a maximum of 9 patients at any one time.

Mr. Norman advised that the applicant submitted a letter to the property owners in the surrounding area informing them about the health salon and listed twelve services which will be provided. Since that time the shoe-shine, beauty care and fashion consulting have been eliminated from that list. The sculptured nails, manicures, and pedicures might require a special exception from this Board.

Protestants:

Mike Carter, was present representing property owners of five lots in the subject area, J. D. Van Horn who owns three lots, and Lomac Affiliates who owns two lots. They feel that the proposed use would not be acceptable in this office complex because it is zoned OM. They also are concerned with the image which is portrayed by a health salon and do not feel it would be appropriate for the office park. The image which is portrayed will affect the property values.

Marti Carlin, 1743 East 71st Street, was present representing South Bridge Development, Mitchell & Associates, and Slidegraphics, Inc., stating that she had talked to Dr. Kuykendall when she was showing the building to him and he specifically stated that one of the staircases would be great for fashion models. She advised that South Bridge is for office usage and is opposed to the application being approved.

Jack Powers, 1831 East 71st Street, was present representing the property owners of Lots 4-19. He stated that he had received the letter sent out by the applicant and stated that the health salon should be in a retail outlet. Increase in parking and traffic would create a hazard to the subject area.

Tom Dalton, attorney, 1437 South Main Street, was present representing Gruss Petroleum, which is located next door to the leased space in question. Mr. Dalton advised that he had not been given notice of the hearing. He advised that the letter which was sent out includes activities and services which do not fall under a medical classification.

Debbie Herrid, 1737 East 71st Street, was present representing Oakland Petroleum Company, which is located within the South Bridge Office Complex. She advised that the office complex does not contain any health salons, but most are oil and gas related businesses, attorneys, or business professionals. Ms. Herrid advised that the applicant should locate the health salon in a retail commercial area. She advised that most of the people in the office complex would prefer that he not be located in the office park.

Case No. 12138 (continued)

Three letters of protest were submitted to the Board (Exhibit "P-2").

Applicant's Rebuttal:

Mr. Norman advised that a major medical facility is already located in this complex. The services which Dr. Kuykendall provides falls under the Zoning Code.

Mr. Victor asked if Dr. Kuykendall still intends to have all the services as indicated in his letter and Mr. Norman advised that the beauty care and fashion consulting, and shoeshine would not be located in the leased area.

Paula Hubbard, Building Inspector, advised that after receiving the letter sent out by Dr. Kuykendall, the Building Inspectors made a determination that the proposed operation was a beauty salon.

Mrs. Purser suggested that the portion of the services including sculptured nails, manicures, and pedicures would require a special exception.

Discussion ensued concerning statements contained in the letter written by Dr. Kuykendall.

Mr. Gardner suggested that the application be continued so that Dr. Kuykendall can apply for an occupancy permit with the Building Inspector's Office and let the Building Inspector determine which of the proposed uses are medical and which are a health salon.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-1-0 (Chappelle, Purser, Victor, "aye"; Smith, "nay"; no "abstentions"; Wait, "absent") to continue this item to September 16, 1982.

Case No. 12139

Action Requested:

Variance - Section 206 - Number of Dwelling Units on a Lot - Request for a variance to allow 100 dwellings per lot of record. This property is located west of the NW corner of 23rd Street and Garnett Road.

Presentation:

Andrew Allen, 6712 East 29th Street, was present representing the applicant, Ted Griffin, and submitted a copy of the plans consisting of the site plan, floor plan and elevation plan (Exhibit "Q-1"). Mr. Allen advised that the applicant is proposing to construct ten buildings consisting of ten units each with a total of 100 units on the subject property. The proposed middle class income housing will be leased to home owners rather than to renters. The land is 873' x 140' and complies with the Building Code and parking requirements. The proposed units will consist of 80 one-bedroom units and 20 two-bedroom units with a total of 8,200 square feet. The proposed condominiums will be two-story units.

Protestants:

Euna Smith, 10824 East 24th Street, was present and submitted a protest petition consisting of approximately 143 signatures (Exhibit "Q-2") and a letter stating their protest to the application (Exhibit "Q-3"). Ms.

Case No. 12139 (continued)

Smith advised that if the request is granted that there would be an increase in crime and an increase in traffic in the area. She stated that the subject area was designed for single-family housing and not multifamily units.

Gordon Potts, 10815 East 24th Street, was present in protest to the application because increase in traffic would result.

Board Comments:

The Board inquired as to the exterior materials used in construction and Mr. Allen advised that the exterior would be cedar finish with rock extended on the corner.

Mr. Gardner advised that the tract was platted in about 1968 prior to the Zoning Code being amended in 1970. At that time the forty units per lot of record did not exist. He advised that the parking for the project will be next to the commercial and the building structures will be along the south boundary.

Mr. Victor advised that the subject tract is already zoned and platted as RM-2 which would permit the use as requested. The Board is reviewing the plans so they will be compatible with the surrounding area.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 206 - Number of Dwelling Units on a Lot) to allow 100 dwellings per lot of record, per the plans submitted, on the following described property:

Lot 2, Block 2, Tiffany Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12140

Action Requested:

Variance - Section 207 - Street Frontage Required - Request to allow 0' of frontage on a public street or dedicated right-of-way. This property is located at South 28th West Avenue and 91st Street.

Presentation:

Glen McCoy, 6434 South Vancouver Avenue, was present and advised the Board of the previous history concerning the property in acquiring a building permit. A Building Permit was granted in January 1981 when the applicant first purchased the 2.5 subject tract, but was never issued. At a later date, the applicant applied for a Building Permit and was denied the request. Since that time the Building Inspector advised the applicant to come before this Board requesting the variance as stated above for the issuance of a Building Permit. The variance is needed because the subject property is located on a private drive, which is a continuation of South 28th West Avenue. There were originally four 2.5 acre lots on this private drive and three of the lots have homes on them. The applicant's lot is the only vacant building site.

Protestants: None.

Case No. 12140 (continued)

Board Comments:

Discussion ensued concerning the private drive and who owns it.

Mr. Gardner advised that it is probably a wildcat subdivision where the developer began selling the lots without going through the Planning Commission (TMAPC). The Board can grant the variance request, but the applicant needs some assurance that they have legal right to the drive.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 207 - Street Frontage Required) to allow 0' of frontage on a public street or dedicated right-of-way, on the following described property:

The NW/4 of the NW/4 of the SE/4 of the SE/4 of Section 15,
Township 18 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 12141

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the side yard requirement from 10' to 5' in an RM-2 Zoned District to line up with an existing structure. This property is located at 4115 East Zion Street.

Presentation:

James R. Gibbs, 4115 East Zion Street, was present and submitted a site plan (Exhibit "R-1"). Mr. Gibbs requested that a 400 square-foot addition be permitted on the rear portion of his house. The proposed addition will extend the house 21' into the back yard. Mr. Gibbs advised that he will use the addition for a fine art studio and will not be for commercial purposes.

Protestants: None.

Comments:

Mr. Gardner advised that the area is developed for single-family dwellings but was zoned for apartments.

Mrs. Purser asked if the proposed addition would line up with the existing house and Mr. Gibbs answered in the affirmative.

Paula Hubbard, Protective Inspections, advised that she had requested a letter from the applicant stating the use or intent of the addition and has received it.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the side yard requirement from 10' to 5' in an RM-2 Zoned District to line up with an existing structure, per site plan submitted, on the following described property:

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

Case No. 12145

Action Requested:

Variance - Section 420 - Accessory Uses in Residential Districts - Request to operate a beauty shop as a commercial accessory use in an RM-2 District; and a Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow a nursing home with combination elderly apartments in an RM-2 District. This property is located at the SE corner of 50th Street and Victor Avenue.

Presentation:

Gary L. Neal, 502 West 6th Street, was present on behalf of the owner of Colonial Manor Nursing Home, and submitted a site plan (Exhibit "S-1"). The site plan shows the existing structure, Colonial Manor Nursing Home, and the new construction to the rear. The purpose of the application is to tie the two structures together with a narrow corridor to facilitate the movement of the elderly, which are anticipated to be the occupants of the apartment project, to and from a common dining area currently existing in the nursing home. The apartment project will contain a total of 20 units to be designed exclusively for the elderly with 16 efficiency units and 4 one-bedroom units.

The variance is sought to operate an inhouse beauty shop which will not allow for any outside advertising, but will be solely for the elderly of the nursing home and apartment project. The beauty shop will be 15' x 20' in size and will be limited to one operator.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 420 - Accessory Uses in Residential Districts) to operate a beauty shop as an accessory use to the nursing home and apartments in an RM-2 District, subject to the following conditions; that the beauty shop be used inhouse only, with no signs or advertising of any kind, that the intent be specifically limited to the residents of the nursing home or the residents of the elderly apartment units, that the use be limited to the 15' x 20' as requested; and to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow a nursing home with combination elderly apartments in an RM-2 District, per plans submitted, on the following described property:

The North 210' of Lot 12, the North 195' of Lot 13, the North 170' of Lot 14, Lot 15, Lot 16 and the South 40' of Lot 17, all a part of Perry's 27207 Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12146

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential District - Request to allow off-street parking in an RM-2 District; and a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request to allow a 4-story parking garage in an RM-2 District; and a Variance - Section 630 - Bulk and Area Requirements in Office Districts - Request to allow a 4-story parking garage in an OL District.

Case No. 12146 (continued)

This property is located between 11th and 12th Streets and between Trenton and Troost Avenues.

Presentation:

David Page, 900 World Building, was present on behalf of Hillcrest Medical Center, and submitted a plot plan (Exhibit "T-1"). Hillcrest Medical Center presently has a three level parking garage on the subject property which is approximately 2 stories in height and is proposing to add two additional decks which will make the structure approximately 4 stories in height. Mr. Page advised that in June 1969 the Master Plan was approved with this parking concept as a part of that Plan.

Protestants: None.

Interested Party:

Eugene Colleoni, District #4 Chairman to the Greater Tulsa Council, was present and urged the Board to approve the application as it will be beneficial to that district.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow off-street parking in an RM-2 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) to allow a 4-story parking garage in an RM-2 District; and a Variance (Section 630 - Bulk and Area Requirements in Office Districts) to allow a 4-story parking garage in an OL District, per plot plan, on the following described property:

Lots 1-7, Block 2, Hopping Heights Addition and Lots 1 & 2, Block 2, McAnulty Addition, in the City of Tulsa, Tulsa County, Okla.

Case No. 12147

Action Requested:

Variance - Section 910 - Principal Uses Permitted in the Industrial District - Request to locate a mobile home in an IL District. This property is located at the SE corner of 36th Street North and Memorial Drive.

Presentation:

J. C. Neel was present on behalf of his brother, Dwight Neel, 8100 East 36th Street North. Mr. Neel advised that his mother is in poor condition and wants to place her mobile home on the subject property so she will be close to her children who can look after her. The mobile home will be located on the west side of the house which is presently on the subject property.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 910 - Principal Uses

Case No. 12147 (continued)

Permitted in the Industrial District) to locate a mobile home in an IL District, for a period of three (3) years, subject to Health Department approval, and that the applicant's mother be the only person to reside in the mobile home, on the following described property:

Lot 1 thru 5, Block 9, Woodland Park a Subdivision of the N/2 of the NW/4 of Section 24, and the N/2 of the NE/4 of Section 23, and the E/2 of the SE/4, South of the A.T. & S. F. R.R. of Section 14, ALL in Township 20 North, Range 13 East, Tulsa Co., Oklahoma, according to the recorded plat thereof.

Case No. 12148

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial District - Request to allow a Hotel in an IL District. This property is located at the north side of 41st Street, East of Memorial Drive.

Presentation:

Roy Johnsen, attorney, 324 Main Mall, was present representing Midway Development Company and submitted a site plan (Exhibit "U-1"). Mr. Johnsen advised that the subject property and the property to the east, west, and south of the subject property are zoned IL. The north boundary is the Broken Arrow Expressway and access from Skelly Drive is from 41st Street. The request for a hotel use requires no hardship and will be appropriate for the surrounding area. There will be kitchen facilities located in the hotel and it will be a three-story structure.

Protestants: None.

Board Comments:

Mr. Chappelle asked how many rooms would be located in the hotel structure and Mr. Johnsen advised that there would be 180 rooms.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Industrial District) to allow a hotel in an IL District, per plot plan submitted, on the following described property:

Lots 2 and 3, Block 1, Bond Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12151

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a special exception to locate an existing mobile home in an RM-1 District; and a Variance - Section 440 - Special Exception Uses in Residential Districts - Request for a variance of the one year time limit to 5 years. This property is located at 219 East Jasper Street.

Presentation:

Marqua Harris, 219 East Jasper, was present requesting permission to locate her existing mobile home on the subject property. Ms. Harris

8.19.82:369(28)

Case No. 12151 (continued)

advised that she has lived at the subject property since 1962 and intended to have her house repaired, but later decided to have it torn down and move into a mobile home. She was granted a one year approval to place her mobile home on the subject tract and now requests that she be granted five (5) more years.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to locate an existing mobile home in an RM-1 District; and a Variance (Section 440 - Special Exception Uses in Residential Districts) of the one year time limit to three (3) years, on the following described property:

Lot 17, Block 1, Sunset Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Action Requested:

Consider approval of amended plot plan for Case No. 11818.

Presentation:

Roy Johnsen, 324 Main Mall, attorney, was present and submitted an amended plot plan (Exhibit "V-1"). The plot plan is basically the same except the location of the building has changed. The number of units and the type of use for the proposed facility remains the same. Some of the parking has been moved around the exterior and more interior court yard space has been provided. There is not an increase in intensity for the subject property.

Protestants: None.

Board Comments:

Mrs. Purser asked if the exterior of the building would change and Mr. Johnsen advised that the exterior of the structure is basically the same as was first proposed.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to accept the amended plot plan as presented.

Case No. 11896

Action Requested:

Consider approval of the amended plot plan for Case No. 11896.

Presentation:

Roy Johnsen, 324 Main Mall, attorney was present representing Warren Medical Research Center and submitted an amended plot plan (Exhibit "W-1"). The proposed structure will be located on Yale Avenue and will be west of the Kelly Building. Mr. Johnsen advised that when the application was approved it was done so subject to the execution of the tie

Case No. 11896 (continued)

contract. Mr. Johnsen advised that the mathematical area for the tie contract has been expanded from 173,600' of floor area to 187,500. A penthouse which will be made self sufficient and a mechanical room will be added to the top of the proposed structure.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to accept the amended plot plan as presented.

Case No. 12003

Action Requested:

Consider approval of site plan review Case No. 12003.

Presentation:

The applicant was not present to address the Board.


Protestants: None.

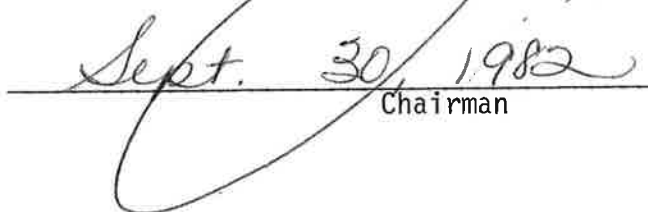
Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to continue this item to the September 2, 1982 meeting.

There being no further business, the Chair adjourned the meeting at 6:30 p.m.

Date Approved: _____





Chairman