

CITY BOARD OF ADJUSTMENT
MINUTES (No. 370)
Thursday, September 2, 1982, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Chappelle
Purser (in at 1:40 p.m.)
Smith, Chairman
Victor
Wait

STAFF PRESENT

Compton
Jones
Martin

OTHERS PRESENT

Miller, Protective
Inspections
Pauling, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, August 31, 1982, at 10:20 a.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 1:15 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the Minutes of July 22, 1982, (No. 367).

UNFINISHED BUSINESS:

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, attorney was present representing the applicant, James Hardy, who recently purchased the subject property, and Chuck Bowman who also owns a portion of this property. Mr. Levy submitted four (4) photographs of the subject property indicating in red the tract in question (Exhibit "A-1").

The subject property is presently zoned RM-2 and has a two story single-family home on it. The applicant is requesting permission to place an off-street parking lot on the subject property to serve the condominium offices that are currently under construction on the first four floors of Liberty Towers. The presently existing house will be torn down if the application is approved, to place the parking lot at that location. The proposed parking lot would house approximately 42 cars containing approximately 200 square feet of space. The proposed structure would be paved with all-weather material with access to the parking lot on 16th Street facing north.

The converting of the property to the parking lot would be for the exclusive use of tenants and visitors of the office condominium in

Case No. 12114 (continued)

Liberty Towers. Mr. Levy presented the District 7 Plan Map showing the subject area and indicated that it is for high intensity use and for commercial purposes. The subject property which is located in Sub-area A is designated for high intensity commercial use.

Protestants:

James E. Walker, 1639 South Cheyenne Avenue, was present and submitted a protest petition containing approximately 114 signatures of the surrounding neighbors (Exhibit "A-2"), and twelve (12) photographs of the subject property and surrounding properties (Exhibit "A-3"). He advised that he and the neighbors in the immediate area are in opposition to the parking lot.

Milton Cochran, 1524 South Cheyenne Avenue, was present in protest to the application requesting that the area remain residential in nature.

Kenneth Kelly, 231 Hazel Boulevard, was present and submitted six (6) pictures of the property which he owns, 1603 and 1605 South Cheyenne (Exhibit "A-4"). He advised that he has spent a large sum of money in improving the condition of the duplex and is fearful that the property value will decrease if the application is approved.

Dawna Menges, 213 West 17th Street, was present in protest to the application and requested that the area remain residential in nature.

Board Comments:

Discussion ensued concerning the District 7 Plan Map and its accuracy. Mr. Compton advised that the Plan Map was developed in 1970 and they are constantly updated annually. The Sub-area "A", as was referred to, is office and commercial and high intensity use according to the text.

Applicant's Rebuttal:

Mr. Levy advised that the area is not only a single-family residential area, but is also being used for apartments, office buildings, business establishments and parking lots...

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 DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) for off-street parking in an RM-2 District, on the following described property:

Lots 1 and 2, Block 9, Stonebraker Heights, City of Tulsa, 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 NW corner of 74th Street and Yale Avenue.

Case No. 12142 (continued)

Presentation:

Jack Arnold was present representing the applicant, Roberta Wren, 7318 South Yale Avenue, and Design Properties. Mr. Arnold submitted a plat of survey (Exhibit "B-1") and six (6) photographs of the subject property (Exhibit "B-2").

Mr. Arnold advised that there is presently an office building on the subject property and another office building is proposed behind the existing building. It was always the intent for the proposed building to be constructed behind the existing building. The lot which is intended to be split will be 20,000 square feet and utility service, City sewer, electricity and gas lines are already in place on the lot.

Protestants: None.

Board Comments:

Mr. Compton advised that the Planning Commission approved the lot-split, subject to this Board's approval of the application and the grading plan.

Discussion ensued concerning the application being properly advertised. Mr. Pauling, Legal Council, advised that the Board could hear the case but the first variance falls under Section 630 of the Zoning Code.

Discussion ensued concerning mutual easement always being provided to the subject property and Mr. Arnold assured the Board that there would always be mutual easement to the property as stated in the abstract.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-1 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; none "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office Districts) of the frontage requirement to permit a lot-split; and a Variance (Section 630 - Bulk and Area Requirements to permit a lot-split (L-15525) on the following described property:

Lot 1, Block 1, Stacey Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12144

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the setback from an abutting R District. This property is located at 8107 East Admiral Place.

Presentation:

Mike Auxier, 12248 East 60th Street, was present and submitted the site plan (Exhibit "C-1") and the drainage plan (Exhibit "C-2"). Mr. Auxier advised that an office building is presently being constructed on the subject property. Because of the steepness in the front of the lot, the variance of the 25' rear setback is requested to allow more parking. It would eliminate some of the parking in the front which is too steep.

Mr. Auxier advised that the application was continued from the last meeting because the application had not been properly advertised. A portion of the application was approved at the previous meeting.

Case No. 12144 (continued)

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 730 - Bulk and Area Requirements in the Commercial Districts) of the setback from an abutting R District, per site plan submitted, on the following described property:

Lot 8, Block 4, Mingo Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12157

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the side yard requirements from 10' and 5' to 8' and 8'. This property is located at 6168 South Richmond Ave.

Presentation:

Gene Oliver, 8607 South 68th East Avenue, was present and submitted a plot plan (Exhibit "D-1"). The applicant requested that he be permitted the variance of the side yard setback of 2' on each side of his house from the required 10' and 5' to 8' on each side.

Protestants: None.

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 430 - Bulk and Area Requirements in the Residential District) of the side yard requirements from 10' and 5' to 8' and 8', per plot plan submitted, on the following described property:

Lot 4, Block 7, Livingston Park South Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 12152

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the setback from 10' to 4.5' on the east property line to expand a nonconforming structure; and a Variance - Section 1450 (a) - Structural Nonconformities - Request to expand a nonconforming structure. This property is located at 2715 East 10th Street.

Presentation:

Max Rader, was present representing A & A Company, Inc., 2222 East 11th Street, and requested permission to build a bedroom addition at the rear of the house located on a 40' x 150' tract of land. A plot plan was submitted (Exhibit "E-1"). Due to the location of the utilities which come

Case No. 12152 (continued)

at the back of the house and the location of the garden, the addition was proposed at the subject location so that the owners can have the use of the back of their lot. The neighbors' garages are within 5' to 6' of the property line and each of the residences in this area are built on a close pattern. They are requesting permission to stay within the 4' easement on the east side.

Protestants: None.

Interested Party:

Eugene Colleoni, District #4 Chairman to the Greater Tulsa Council, was present requesting that the application be approved as the District is wanting the area to remain single-family residential.

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 430 - Bulk and Area Requirements in the Residential District) of the setback from 10' to 4.5' on the east property line to expand a nonconforming structure; and a Variance (Section 1450 (a) - Structural Nonconformities) to expand a nonconforming structure, per plot plan submitted, on the following described property:

Lot 11, Block 14, Highlands Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12153

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Request for a variance to raise and/or keep horses in an RS-3 District; and a Variance - Section 510 - Principal Uses Permitted in the Residential Districts - Request for a variance to erect a utility building on a lot of its own. This property is located at 5504 North Birmingham Avenue.

Presentation:

Mary Duvall, 5516 North Birmingham Avenue, was present stating that she intends to build a pole barn on the subject property to keep one horse during the winter months. She advised that her horses are kept at a neighbor's house on 56th Street North. Ms. Duvall originally intended to construct a 24' x 24' pole barn, but now intends to build one that is longer and narrower.

Protestants: None.

Board Comments:

The Board asked if there were other horses in the immediate area and Ms. Duvall advised that there are some horses on the property immediately west and at 5508 North Birmingham and some horses are on 54th Street North.

David Pauling, Legal Council, advised that the Board is only addressing the zoning issue. The City has a separate ordinance dealing with keeping of animals within the City Limits and that ordinance requires a

Case No. 12153 (continued)

minimum of one acre and the applicant has slightly under a one-acre tract. If the Board approves the application they should do it with the awareness that it requires approval from the City Commission. The City Commission has been very reluctant in allowing an open-ended commitment for nonconforming animals. He suggested that if the Board approves the application that it be subordinated to the City Commission's reaction with regard to the one acre minimum variance per horse.

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 410 - Principal Uses Permitted in the Residential Districts) to raise and/or keep horses in an RS-3 District; and a Variance (Section 410 - Principal Uses Permitted in the Residential Districts) to erect a utility building on a lot of its own, limiting the size of the pole barn to 650 square feet, subject to approval by the City Commission, on the following described property:

The South 296.33 feet of the North 924 feet of the East 122 feet of the West 140 feet of the E/2, E/2, NW/4, NW/4 of Section 8, Township 20 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12154

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the front setback requirements from 30' to 20.6' in an RS-2 District to permit enclosing a front porch. This property is located at 5007 East 3rd Street.

Presentation:

Casper Jones, 1302 South Fulton, was present representing Olsen & Coffey Architects, and the owner, James McGuire. Mr. Jones submitted a plot plan (Exhibit "F-1"), an elevation plan (Exhibit "F-2"), and a floor plan (Exhibit "F-3"), a plan map (Exhibit "F-4") and an aerial photograph (Exhibit "F-5") showing the subject property. The applicant is requesting a variance of the front setback requirement from 30' to 20' to enclose a portion of the front porch on a house. The hardship confronting this case is the irregular shape of the lot and that the houses in this area were built before the Ordinance was amended.

Protestants: None.

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 approve a Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the front setback requirements from 30' to 20.6' in an RS-2 District to permit enclosing a front porch, per plot plan submitted, on the following described property:

Lot 6, Block 5, White City Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12155

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request to locate a home occupation in an RS-3 District (beauty salon). This property is located at 4910 South Lawton Avenue.

Presentation:

Mary Cline, 4910 South Lawton Avenue, was present requesting permission to locate a home occupation (beauty shop) in her residence. The beauty shop will be operated by the applicant only. Mrs. Cline advised that she has converted her garage into a beauty shop.

Protestants: None.

Board Comments:

Mr. Chappelle inquired about the days and hours of the operation and Mrs. Cline advised that she would operate the beauty shop 3 or 4 days a week between the hours of 8:00 a.m. and 6:00 p.m. Mr. Chappelle also asked how many customers she would have at her shop and Mrs. Cline advised that she would not have any more than 3 customers at a time.

Mr. Smith asked if she had received a copy of the home occupation regulations and Mrs. Cline answered in the affirmative. Mr. Smith asked if she intended to place a sign on the subject property and Mrs. Cline answered no.

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 Special Exception (Section 420 - Accessory Uses in Residential Districts) to locate a home occupation in an RS-3 District (beauty salon), subject to all of the home occupation regulations, to run with this owner only, on the following described property:

Lot 2, Block 6, Winnetka Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12156

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request for a special exception to allow a distribution center offering goods and services in Use Units 15 and 17 in a CS District located north of 11th Street, west of Mingo Valley Expressway.

Presentation:

The applicant, David Cameron, was not present, but had submitted a letter (Exhibit "G-1") requesting a continuance because the legal description which was submitted was not accurate and needs to be readvertised.

Protestants: None.

Interested Party:

W. W. Simpson, 10218 East 7th Street, was present as an interested party.

Case No. 12156 (continued)

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 case to the September 16, 1982 meeting.

Case No. 12158

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to build a conference center for in-house administrative and medical staff meetings on hospital property. This property is located at 25th Street and Harvard Avenue.

Presentation:

Louis Levy, 5200 South Yale Avenue, attorney representing Doctor's Medical Center, Inc., was present and submitted a plot plan (Exhibit "H-1"). Mr. Levy advised that the applicant intends to build a conference center at Doctor's Medical Center which is located on the NE corner of 25th Street and Harvard Avenue. The conference center will be a series of meeting rooms to be used exclusively by the hospital personnel and primarily by the medical staff. The new conference center will be replacing a 4th floor conference room in the office building on the same property being used for this purpose.

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 would be an asset to the district.

Board Questions:

Mrs. Purser asked how many square feet were contained in the new conference center and Mr. Levy advised that 5,000 square feet are contained in the new center and approximately 4,000 square feet were contained in the other conference room which is being replaced.

Mr. Smith asked if the parking requirements would be increased with the new facility and Mr. Levy answered no.

Board Action:

On MOTION of PURSER 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 Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to build a conference center for in-house administrative & medical staff meetings on hospital property, per plot plan submitted, on the following described property:

Beginning at a point 50' East of the NW corner of the SW/4 of the NW/4; thence East along the North line of the said SW/4 of the NW/4, a distance of 648.5'; thence South, parallel to the West line of Section 16, a distance of 128.5'; thence West and parallel to the North line of said SW/4 of the NW/4, a distance of 30'; thence South and parallel to the West line of Section 16, a distance of 500' to

Case No. 12158 (continued)

a point 30' North of the South line of the N/2 of the SW/4 of the NW/4; thence West and parallel to the North line of said SW/4 of the NW/4, a distance of 588.5' to a point 80' East of the West line of Section 16; thence North and parallel to said West line a distance of 598.5'; thence West 30'; thence North and parallel to said West line a distance of 30' to the point of beginning, and containing 8.6 acres, more or less, Tulsa, Ok.

Case No. 12159

Action Requested:

Variance - Section 510 - Principal Uses Permitted in the Parking Districts - Request to allow temporary use of industrial plant site and adjacent parking area for mobile office. One year permission requested. This property is located at 4404 South Peoria Avenue.

Presentation:

Louis Levy, attorney representing John Zink Company, 4404 South Peoria Avenue, was present and submitted six (6) photographs of the subject property (Exhibit "I-1"). Mr. Levy advised that the company has constructed a 10' solid concrete block wall with planting of trees around the perimeter of the industrial plant site. A small mobile office is located on the property and is being used for two purposes: One is for the manager of the heating and air conditioning division and also, is used by security to monitor the back-half of the plant site during the evening.

The applicant is seeking a one (1) year temporary approval for the mobile office to be located on the subject property until they can find another place to put the security guard and division manager of the heating and air conditioning division. In the past years they have received approval of the mobile office for one year periods of time. The applicant has talked with the neighbors in the area and they are not opposed to the request.

The subject area is zoned for parking. Mr. Levy stated that he had suggested to the company that they allow the Board to monitor the situation from year to year.

Protestants: None.

Board Comments:

Mrs. Purser asked why the parking lot had not been paved and Mr. Levy advised that the applicant intends to have that area paved. Mrs. Purser advised that if the application is approved, the applicant would be required to pave the parking lot.

Dorotha Miller, Building Inspector, advised that a temporary nonresidential home is a function of the Building Inspector's Department for a nine (9) month period and can be extended for three (3) additional months which would make a total of one year. Anything longer than one year requires City Commission action.

Mrs. Purser asked if anyone was living in the mobile office and Mr. Levy answered no and stated that it is just for office use. The request is for one year for the mobile office until they can find another location for these offices.

Case No. 12159 (continued)

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 510 - Principal Uses Permitted in the Parking Districts) to allow temporary use of industrial plant site and adjacent parking area for a mobile office for a period of one year, on the following described property:

Lots 6, 7, and 8, Block 4, Don Lee Addition to the City of Tulsa, Oklahoma.

Case No. 12160

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate a mobile home in an RS-3 District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwelling units on one lot; and a Variance - Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the one year time limit to five (5) years. This property is located at 1707 North Oswego Place.

Presentation:

Ricky Jones stated that Alan Jackere, Legal Council, advised that the first variance concerning the request to allow two dwelling units on one lot is not needed since one of the dwelling units is a mobile home.

Sharron Rodriquez, 2824 East 10th Street, Apartment 5, was present and submitted a map showing the location of the house and mobile home on the subject property (Exhibit "J-1"), and a petition containing 19 signatures of nearby property owners in support of the application (Exhibit "J-2"). Ms. Rodriquez advised that she intends to buy a mobile home and place it on the back portion of the subject tract. The mobile home is 14' x 56' and would be located 50' from Pittsburg and 5' from each residence. Ms. Rodriquez stated that her parents live in the house on the subject lot. If the request is granted Ms. Rodriquez could be near her mother who has been in bad health.

Protestants: None.

Board Comments:

Dorotha Miller, Protective Inspections, advised that the applicant will be required to get a zoning clearance and a permit to met the required setbacks which would also include electric, plumbing and all other inspections of the mobile home.

The Board asked if there were other mobile homes in the area and Ms. Rodriquez stated that a mobile home is located 4 or 5 blocks to the south of the subject property.

Mrs. Purser inquired as to the entrance to the subject property and the applicant advised that she and her husband would have their own entrance into the subject property.

Case No. 12160 (continued)

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 approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate a mobile home in an RS-3 District; and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements) of the one year time limit to five (5) years, on the following described property:

Lot 2, Block 28, Louisville Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12161

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a special exception to allow a mobile home in an RM-1 Zoned District. This property is located at the SE corner of Ute Street and Maplewood Avenue.

Presentation:

Bertha Hamilton, 1912 North Norwood Avenue, was present requesting permission to place a mobile home on the subject property. Mrs. Hamilton advised that her son owns the subject property and her mobile home would be located on the back of the property. Mrs. Hamilton stated that she is a widow and has recently had brain surgery and was advised by her doctor that she should not live alone. Her son and her daughter live in the immediate surrounding area.

Protestants: None.

Board Comments:

Mr. Smith asked if there were other mobile homes in the area and Mrs. Hamilton answered in the affirmative and stated that there are some mobile homes within two blocks of the subject area.

Mr. Smith advised the applicant that she could only be granted a period of one year for the mobile home and when that year is up she could apply for a variance for a longer period of time.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow a mobile home in an RM-1 Zoned District, for a period of one year, removal bond required, on the following described property:

Lots 23 and 24, Block 19, Woolley's Subdivision, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to build duplexes in an RS-3 District; and a Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the lot area from 9,000 square feet to 6,900 square feet, and a request to permit 8,400 square feet, except lot 3, which is 8,100 square feet, and a variance to permit a minimum frontage from 75' to 60' on Lot B, 75' to 30' on Lot C, 75' to 51.25' on Lot D, and a variance of the livability space from 2,500 square feet to 2,000 square feet and a request for the front yard of Lot C be allowed to face west verses north. This property is located at the SW corner of 56th Street and Quincy Avenue.

Presentation:

Lynn Meyer, 5259 South Sheridan Road, was present representing Don Fitzwater, and submitted a plat of survey (Exhibit "K-1"), and nine (9) photographs of the subject property (Exhibit "K-2"). Mr. Meyer advised that the request is for a special exception to construct duplexes in an RS-3 Zoned District and variances of the bulk and area requirements to RD standards, per plot plan.

There are four lots under consideration which are currently zoned RS-3 and the applicant requests duplex use for these lots. The surrounding area has many duplexes and apartments. Mr. Meyers presented a map showing locations of duplexes in the surrounding area and/or variances to allow duplexes in the subject area.

Mr. Meyer advised that the shape of the lot, the existing house, and the setback requirements are causing the applicant to request the variances of the bulk and area requirements where the requirements cannot be met.

Protestants: There were several present in protest to the application.

Board Comments:

The Board advised Mr. Meyer that the application should go through a re-zoning process rather than before this Board.

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 DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to build duplexes in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the lot area from 9,000 square feet to 6,900 square feet; and a request to permit 8,400 square feet, except Lot 3, which is 8,100 square feet; and a variance to permit a minimum frontage from 75' to 60' on Lot B, 75' to 30' on Lot C, 75' to 51.25' on Lot D; and a variance of the livability space from 2,500 square feet to 2,000 square feet; and a request for the front yard to Lot C be allowed to face west verses north, on the following described property:

Lot 1, Block 2, Riverview Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12163

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial District - Request for a variance of the setback requirement from the abutting R District from 75' to 10'; and a Special Exception - Section 910 - Principal Uses Permitted in the Industrial District - Request to allow a restaurant in an IL District. This property is located at the SE corner of 51st Street and Mingo Road.

Presentation:

Ricky Jones advised that the applicant was seeking a continuance because the legal description needs to be readvertised.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to continue this item to the September 16, 1982 meeting.

Case No. 12165

Action Requested:

Variance - Section 420.2 - Accessory Use Conditions - Request to permit a detached accessory building in the side yard; and a Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the front setback from the centerline of Archer Street from 45' to 43'; and a variance of the side yard requirements from 5' to 3'. This property is located at 3214 East Archer Street.

Presentation:

James Bell, 3214 East Archer Street, was present stating that he plans to construct a building which will be used as a garage. Mr. Bell submitted two pictures of the subject property (Exhibit "L-1"), and a plot plan (Exhibit "L-2").

Protestants: None.

Board Comments:

Mrs. Purser asked if the garage would be used for commercial purposes and Mr. Bell answered no.

Discussion ensued concerning proper advertising for this application. It was determined that the application had been advertised improperly. Mrs. Miller, Protective Inspections, advised that the new advertising will include a variance from the required setback to permit the applicant to place an accessory building in a front and side yard. It will also be advertised for the building to be on a lot of its own.

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 continue this item to the September 16, 1982 meeting to allow for proper advertisement.

Case No. 12166

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to locate a mobile home in an RM-1 District; and a Variance - Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the 1-year time limit. This property is located at 1227 North St. Louis Avenue.

Presentation:

The applicant, Jim Sanders, was not present.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to continue this item to the meeting of September 16, 1982.

Case No. 12168

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for a special exception to allow a mobile home in an RS-3 Zoned District; and a Variance - Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of one year time limit. This property is located at the SE corner of Mohawk Boulevard and Harvard Avenue.

Presentation:

The applicant, R. D. Coffman, was not present.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to continue this item to the meeting of September 16, 1982.

Lot 12, Block 2, Wildman Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12164

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request for a special exception to allow an auto sales in a CS Zoned District; and a Variance - Section 1340 (d) - Design Standards for Off-Street Parking Areas - Request for a variance of the required all-weather material for parking. This property is located at 1411 South Memorial Drive.

Presentation:

Harold Welch, attorney representing the applicant, Louie Mitchell, 1411 South Memorial Drive, was present and advised that the property has been paved. He advised that Mr. Mitchell wishes to withdraw the variance requested. The parking lot in question is 95' x 105'.

Mr. Mitchell, who has received a license for auto dealership, is requesting the special exception to allow auto sales in a CS District. The subject property is located next to Dial-A-Car Rent-A-Car, across the street from a camper and trailer sales operation, and located to the north is a gas station which services cars. The subject property which is 152' x 287' is in compliance with the bulk and area requirements.

Protestants:

John O'Connor, was present representing the owners of Eggbert Restaurant which is located next to the subject property. Mr. O'Connor advised that a sign is presently on the subject property advertising card reading or fortune-telling and he expressed an objection to both businesses being permitted on the same property. The applicant's home is also located on the subject property and is included in the 150' frontage of the subject property; therefore, only about 100' of frontage space is dedicated to the operation of the auto sales. If the application is approved, the owners of Eggbert's Restaurant requested that the sign be removed from the subject property.

Mr. O'Connor advised that the abutting lot to the rear of the subject property is zoned RM-2 and the residents in that area were informed that the rear of the subject property would maintain its residential character.

Rodney James, 8126 East 14th Street, was present stating that when the subject area was rezoned to CS he was never notified of a meeting so he could present his objection. He stated that if the application is approved, that it should not include the portion of the property which abuts the subject property to the north and west and wraps around the corner properties.

Glen Miller, 8141 East 14th Street, was present also objecting to the piece of property which abuts the subject property at the north and west and wraps around the corner properties. He stated that he was also in opposition to the used car sales.

Mrs. Rodney James, 8126 East 14th Street, was present stating that she was protesting the rezoning of the subject property to CS.

Applicant's Rebuttal:

Louie Mitchell appeared before the Board for the rebuttal stating that he has received approval from the State of Oklahoma and Tulsa County to operate his auto sales. He stated that he built a portable building and placed it on the subject tract and the Building Inspectors from the City came and advised him that he could not sell cars there, so Mr. Mitchell proceeded to move the portable building to the back lot.

Mr. Mitchell stated that he had been out of town and did not have the money to pave the property in front of his house, but he intends to. Mr. Mitchell also advised that the sign dealing with the fortune-telling is for his daughter's benefit and it states her name and telephone number. He advised the Board that his daughter does not live at this location.

Board Comments:

Mrs. Purser advised that the back lot which opens onto 14th Street could not be used for any purpose that does not fall under the CS zoning,

Case No. 12164 (continued)

which would include car sales, unless he came back to this Board for their approval.

Mr. Victor stated that he had a concern because there was a mixed use on the lot with a single-family residence and a commercial business. Mrs. Miller, Protective Inspections, advised that the residence would be considered an automatic nonconforming use, since it was most likely built prior to rezoning of CS. It can remain and continue to operate as a nonconforming use, however, the applicant cannot expand the residential structure without approval from this Board. She also stated that if the applicant utilizes the property in front of the house for car sales it is required to be paved because the use in front of the house is changing.

Protestant's Rebuttal:

John O'Connor, attorney representing the owners of Eggbert's Restaurant stated that if the application is approved, the owners would request that two conditions be placed on the approval. One is that the applicant be required to place a screening fence on the east side and second, that paving should be completed within a certain amount of time for the area in front of the house.

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 approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow an auto sales in a CS Zoning District with the following conditions: 1) That the land in front of the nonconforming house be paved before one year is up, 2) that a six (6) foot wooden screening fence be erected, 3) that as the business expands, the applicant be required to expand the paved parking lot, 4) that the fortune-telling sign be removed from the subject property, and to limit advertising on the subject property to that of auto sales, 5) to limit access to the subject property to Memorial Drive, 6) that no cars be permitted on non-paved surfaces, and 7) that any lighting be directed inwardly, on the following described property:

Lot 2, Block 10, Forest Acres, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

OTHER BUSINESS:

Case No. 12033

Action Requested:

Consider approval of the Site Plan Review for Case No. 12003.

Presentation:

The applicant was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none "absent") to continue this item to September 16, 1982 meeting.

Case No. 10399

Action Requested:

Consider approval of amended plot plan for Case No. 10399.

Presentation:

Tom Herman, 1638 East 31st Place, was present for consideration of approval for an amended plot plan for a building on the southwest corner of 44th Street and Harvard Avenue. The applicant is wanting to get access on to 44th Street as well as on Harvard Avenue.

Board Comments:

Mrs. Purser stated that the previous approval was made at a public hearing and the public should be notified of this amendment to the plot plan.

Discussion ensued concerning access on Case No. 10280 which is also on 44th Street.

PURSER made a MOTION and it was SECOND by CHAPPELLE to direct the Staff to check Case No. 10280 to see if the entrance on 44th Street is in violation and if the entrance is in violation, to direct the Building Inspector to shut it down.

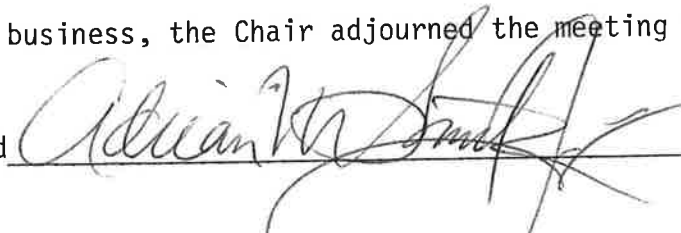
Dortha Miller, Protective Inspections, advised that they have received several complaints concerning the driveway in question.

The Board felt that the operation should be shut down because it is operating illegally. The Board suggested that the applicant refile the request and the Board would hear it at a public hearing where those in protest and those interested in the case can be present.

No action was taken on this case at this time.

There being no further business, the Chair adjourned the meeting at 4:25 p.m.

Date Approved


Sept. 30, 1982
Chairman