

CITY BOARD OF ADJUSTMENT
MINUTES (No. 371)
Thursday, September 16, 1982, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Smith, Chairman Victor Wait, (out at 4:00 p.m.)	Purser	Gardner Jones Martin	Hubbard, Protective Inspections Jackere, Legal Dept. (in at 2:00 p.m.) Linker, Legal Dept. (out at 2:00 p.m.)

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, September 15, 1982, at 8:44 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 1:04 p.m.

MINUTES:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the Minutes of August 5, 1982 (No. 368).

WITHDRAWN CASES:

The Chair, without objection, withdrew Case No. 12185 at the request of the applicant.

UNFINISHED BUSINESS:

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:

Jim Edgar, 1914 South Boston Avenue, attorney representing the applicant, Dr. R. V. Kuykendall, was present to address the Board. Mr. Edgar advised that the previous attorney, Mr. Norman, has withdrawn from the case and, therefore, requested a continuance for more time to prepare for the case.

Board Comments:

Mr. Smith advised that at the previous hearing the attorney and applicant were advised to contact the Building Inspector's Office concerning the definitions of medical vs "health salon". The applicant was asked to provide a specific list of the uses involved in the application so that the Building Inspectors could determine which uses were medical and permitted as a matter of right in an office district which would require a variance.

Mr. Smith advised that if the case is approved it would require the finding of a hardship.

Mr. Wait suggested that the protestants address the Board concerning the continuance issue.

Case No. 12138 (continued)

Protestants:

Tom Dalton, attorney representing some of the protestants in the area, was present and stated that the application was continued at the August 19, 1982 meeting for the applicant to meet with the Building Inspector to determine the medical definition and definition concerning the salon. Mr. Dalton advised that he received a copy of the letter by Mr. Norman stating that he was withdrawing from the case, therefore, based on the date of the letter the applicant has had sufficient time to prepare for this presentation. Mr. Dalton advised that one of his clients had visited the health salon, toured the operation and was presented a copy of the list of services provided. Mr. Dalton also stated that he had received some coupons from the health salon and submitted them to the Board (Exhibit "A-1"). The applicant is currently in operation and is performing some of the services, which he advised this Board that he would not perform, therefore, the protestants request that this application be denied. A list of services was submitted (Exhibit "A-2") and the letter written by Mr. Norman (Exhibit "A-3").

Board Comments:

Mr. Victor advised that they had received the letter from Mr. Norman stating that he was withdrawing from the application. Paula Hubbard, Protective Inspections, advised that the applicant has not made an attempt to contact the Building Inspector's Office concerning the information requested by the Board.

The Board then decided that they would not continue the case, but would hear it today. Jim Edgar, attorney representing Dr. Kuykendall has no other information to present to the Board.

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 Variance (Section 610 - Principal Uses Permitted in the Office District) for a health salon (Use Units 19 & 13) in an OM District, on the following described property:

Mr. Smith advised that the application was denied due to a lack of a hardship under the terms of the Zoning Code.

Lots 13 and 14, Block 3, Southbridge Office Park to the 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'. This property is located at the SE corner of 51st Street and Mingo Road.

Presentation:

Bob Hale, 9716 East 51st Street, was present and submitted a plat (Exhibit "B-1"), and a site plan (Exhibit "B-2"). Mr. Hale advised that the special exception request has been deleted from their application. The applicant has acquired the property to the south and intends to place apartments on that property. There is an existing house on the site which the applicant intends to turn into an office at some time in the future.

9.16.82:371(2)

A 60' access to 51st Street has been provided for the apartment project and will come within 10' to 12' from the existing house.

Protestants: None.

Comments:

Mr. Garnder advised that there is an RM-2 zoning application pending on the property that abuts the subject property to the south which will be heard by the Planning Commission soon. This Board can approve the location of the existing structure based on the applicant's representation for office use in the future. Mr. Garnder advised that the Board needs to delete the Special Exception.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial District) of the setback requirement from the abutting R District from 75' to 10', per plans submitted on the following described property:

TRACT B

A part of the NW/4 of the NW/4 of Section 31, Township 19 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit: Commencing at the Northwest corner of Section 31, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma; thence North $89^{\circ}00'57''$ -57" East a distance of 250.00' to a point; thence South $0^{\circ}00'08''$ -45" East and parallel with the West line of Section 31, a distance of 50.00' to the point of beginning; thence North $89^{\circ}00'57''$ -57" East a distance of 396.17' to a point; thence South $0^{\circ}00'04''$ -46" East a distance of 200.00' to a point; thence South $89^{\circ}00'57''$ -57" West a distance of 395.94' to a point; thence North $0^{\circ}00'08''$ -45" West a distance of 200.00' to the point of beginning, containing 79,209.50 square feet, or 1.8184 acres, more or less; and,

TRACT C

A part of the NW/4 of the NW/4 of Section 31, Township 19 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit: Commencing at the Northwest corner of Section 31, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma; thence South $0^{\circ}00'08''$ -45" East along the West line of Section 31, a distance of 250.00' to a point; thence North $89^{\circ}00'57''$ -57" East and parallel with the North line of Section 31, a distance of 50.00' to the point of beginning; thence continuing North $89^{\circ}00'57''$ -57" East and parallel with the North line of Section 31, a distance of 221.11' to a point; thence South $0^{\circ}00'08''$ -45" East a distance of 60.00' to a point; thence South $89^{\circ}00'57''$ -57" West a distance of 81.11' to a point; thence South $0^{\circ}00'08''$ -45" East a distance of 90.00' to a point; thence South $89^{\circ}00'57''$ -57" West a distance of 140.00' to a point, said point being 50.00' East of the West line of Section 31; thence North $0^{\circ}00'08''$ -45" West and parallel with the West line of Section 31, a distance of 150.00' to the point of beginning, containing 25,866.60 square feet, or .5938 acres, more or less.

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. This property is located north of 11th Street, west of Mingo Valley Expressway.

Presentation:

Kenneth Miles, attorney, 201 West 5th Street, was present representing the owner, Hines Industrial, Ltd., and submitted a site plan (Exhibit "C-1") and a copy of the development standards (Exhibit "C-2"). Mr. Miles advised that the application is only for Use Unit 15 because Use Unit 17 has been eliminated from the request.

The developer intends to put a use in the area designated as Tract 2, which contains buildings A, B, C, and D to be used basically as a warehouse and showroom area with as much as 60% being used as warehouse and showroom to show the wares. Mr. Miles submitted a drawing and pictures of a similar operation and structure in Houston, Texas. The proposed structure will be like that shown in the drawings.

Protestants: None.

Board Comments:

Mr. Smith asked if the structures would be single-story buildings and Mr. Miles answered in the affirmative.

Mr. Gardner advised that the Board has approved several Use Unit 15 applications. The Staff had a concern with Use Unit 17, but it has been withdrawn. The Staff would request that if approved, that it be subject to development standards as the applicant has indicated.

Mr. Smith asked who would maintain the property and Mr. Miles assured the Board that Hines Industrial, Ltd., who owns the property would, or possibly a joint venture.

Mr. Smith asked what was located immediately west of the subject property and Mr. Miles stated that apartment complexes were located there. Mr. Miles advised that a 6' screening fence would be erected along the north and west boundaries of the property.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-1 (Chappelle, Smith, Wait, "aye"; no "nays"; Victor, "abstaining"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow a distribution center offering goods and services in Use Unit 15, in a CS District, per plans submitted, and subject to the development standards as presented (Exhibit "C-2"), on the following described property:

TRACT NO. 2: Part of Lot 1, Block 1 of "Guaranty Center North Addition", an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows, to wit:

Case No. 12156 (continued)

Beginning at the Northwest corner of said Lot 1; thence North 89°-58'-05" East along the North line thereof, a distance of 317.60' to a point; thence South 00°-06'-01" East a distance of 212.00' to a point; thence North 89°-58'-05" East a distance of 347.10' to a point on the East line of said Lot 1; thence South 00°-56'-00" East along said East line a distance of 17.35' to a point; thence South 02°-43'-00" East along said East line a distance of 486.60' to a point; thence South 11°-17'-00" West along said East line a distance of 140.84' to a point; thence North 53°-47'-23" West a distance of 433.03' to a point; thence South 89°-57'-46" West a distance of 311.67' to a point on the West line of said Lot 1; thence North 00°-01'-09" East along said West line a distance of 597.54' to the point of Beginning, containing 8.647 acres, more or less.

Case No. 12165

Action Requested:

Variance - Section 420.2 - Accessory Use Conditions - Request to permit a detached accessory building in the side and front yards; 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 requirement from 5' to 3'; and a Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Request for a variance to allow a detached accessory building on a lot of its own. This property is located at 3124 East Archer Street.

Presentation:

James Bell, 3124 East Archer Street, was present and advised that the application was continued from the last meeting to readvertise a portion of the case. Mr. Bell intends to build a garage on the side lot. The lots in question are intended to be split and the applicant intends to have a building taken down in the rear yard.

Protestants: None.

Board Comments:

Mr. Smith suggested that the tie contract be placed on the application.

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 420.2 - Accessory Use Conditions) to permit a detached accessory building in the side and front yards; and a Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the front setback from the centerline of Archer Street from 45' to 43' and a variance of the side yard requirement 5' to 3'; and a Variance (Section 410 - Principal Uses Permitted in the Residential District) to allow a detached accessory building on a lot of its own, subject to the execution of the tie contract, on the following described property:

Lots 2 and 3, McKnights Subdivision of Lots 6 and 7, Block 1, of Pomeroy Heights, City of Tulsa, Tulsa County, Oklahoma.

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:

James Sanders, 2023 South 1st Place, Broken Arrow, Oklahoma, 74012, was present and requested that he be granted permission to locate a mobile home at the subject property. He advised that the Board previously granted approval for a 1-year period, therefore, the mobile home is presently on the subject tract.

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 Residential Districts) to locate a mobile home in an RM-1 District; and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements) for a period of three (3) years, on the following described property:

Lot 12, Block 2, Wildman Addition, City of Tulsa, Tulsa County, Ok.

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 the 1-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 to address the Board.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to the October 14, 1982 meeting.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12172

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance from 50' to 40.4' in order to construct a carport. This property is located at 5012 South 35th West Avenue.

Case No. 12172 (continued)

Presentation:

E. D. Powell, 5012 South 35th West Avenue, was present stating that he intends to build a carport and attach it to his existing garage. The proposed carport will be used to store and protect his truck.

Protestants: None.

Board Comments:

Mr. Victor asked what materials would be used in the construction of the proposed carport and Mr. Powell stated that it was an aluminum manufactured carport which will be 10' x 20'.

Mr. Smith asked if there were other carports in the immediate area and Mr. Powell answered in the affirmative. The Board inquired as to the placement of the carport and Mr. Powell stated that the carport will be about 5' in front of the porch and next to the existing driveway.

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 Residential Districts) from 50' to 40.4' in order to construct a carport, per plot plan submitted on the following described property:

Lot 3, Block 6, Carbondale 3rd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12178

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the frontage requirements from 60' to 40' to permit a lot-split. This property is located at 1842 East 17th Street.

Presentation:

James Wiggins, 1838 East 17th Street, was present and submitted a plot plan (Exhibit "D-1"), stating that he previously received a lot-split but there was an error. It was found on the latest survey that the split was about 2-1/2' closer on the east side and was too close to the chimney of the house. A variance of about 3" or 4" is requested in order to permit the driveway. The applicant is asking for a lot-split from 60' to 40'. Mr. Wiggins stated that the lot-split administrator does not have a problem with it because several of the houses in the area do not have driveways and several lots are less than 40' in width.

Protestants: None.

Board Comments:

Mr. Victor asked if the house was presently existing on the subject property and Mr. Wiggins answered in the affirmative. He advised that the house was moved on this lot and was reconditioned and bricked and a driveway was also added.

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"; 9.16.82:371(7)

Case No. 12178 (continued)

Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the frontage requirements from 60' to 40' to permit a lot-split (L-15407), per plot plan on the following described property:

The W/2 of Lot 9, and the East 22.5' of Lot 10, Weaver Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12179

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of South Braden Avenue from 50' to 48.2'. This property is located at 4347 South Braden Avenue.

Presentation:

Betty Frey, 1951 North Florence Avenue, was present representing J & J Maintenance and submitted a plat of survey (Exhibit "E-1"), and a plot plan (Exhibit "E-2"). The applicant is proposing to place a bay window with the foundation and a brick wall to provide for added space in the front of the garage. The applicant is proposing to convert their existing garage into a den.

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 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of South Braden Avenue from 50' to 48.2', per plot plan, on the following described property:

Lot 8, Block 9, Max Campbell 5th Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12181

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Request for a variance of the setback from the centerline of 41st Street from 110' to 53' to locate a display. This property is located at 6554 East 41st Street.

Presentation:

Jack Burnette, 6554 East 41st Street, was present and submitted a floor plan and elevation plan (Exhibit "F-1"). Mr. Burnette advised that the display is being changed from a greenhouse to an octastructure display. Mr. Burnette advised that the company has been held up for six (6) weeks and would request approval to continue with the business. The other display had been at this location for eight (8) years. The proposed display will be located approximately 53' from the centerline of 41st Street. Mr. Burnette advised that the request is only for a one (1) year period.

Protestants: None.

Case No. 12181

Comments:

Paula Hubbard, Protective Inspections advised that the sign permit was applied for using the structure as the base of the sign. The Building Inspector caught it and required clearance and a building permit for the structure which is only 53' from the centerline. A building permit was never issued.

Mr. Gardner advised that the Staff was concerned about the request because it would set a precedent in the area. The purpose of the setback is to have uniform setbacks for all buildings.

The Board did not feel that a hardship had been shown other than a self-imposed hardship.

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 Variance (Section 280 - Structure Setback from Abutting Streets) of the setback from the centerline of 41st Street from 110' to 53' to locate a display, on the following described property:

Lot 3, Block 1, Copperstown Addition, City of Tulsa, Tulsa County, Ok.

Case No. 12204

Action Requested:

Variance - Section 207 - Street Frontage Required - Request for a variance of street frontage requirement for a lot-split. This property is located at 8900 South Sheridan Road.

Presentation:

Stanley Hall, 2442 East 21st Street, was present and submitted a site plan (Exhibit "G-1"). Mr. Hall advised that they are required to create a separate tract of land for having common elements in the condominium apartment project. The common elements will come together in the recreation area. The applicant is required to have a separate legal description for these elements to necessitate the interests of the future home owners. The subject property does not have the frontage required, but does have street access.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 207 - Street Frontage Required) of street frontage requirement for a lot-split (L-15394), per plans submitted, on the following described property:

A tract of land, containing 0.51464 acres, that is part of "Chimney Ridge Townhomes", a Subdivision of part of the SE/4 of the SE/4 of Section 15, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: Starting at the Northeast corner of Lot 1, in Block 1, of Chimney Ridge Townhomes"; thence due South along an easterly line of Lot 1, for 170.02'; thence due West for 93.00'; thence South 81°-

Case No. 12204 (continued)

00'-07" West for 116.43'; thence due West for 32.26'; thence South 49°-20'-12" West for 204.73' to the point of beginning of said tract of land; thence South 40°-20'-12" East for 10.11'; thence South 40°-39'-48" East for 178.09'; thence South 49°-20'-12" West for 86.17'; thence North 40°-39'-48" West for 271.05'; thence North 49°-20'-12" East for 76.06' to the point of beginning of said tract of land.

NEW APPLICATIONS:

Case No. 12167

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request for off-street parking in an RM-2 District; and a Variance - Section 1340 (e) - Design Standard For Off-Street Parking Areas - Request for a variance of the screening requirements. This property is located at 1620 East 12th Street.

Presentation:

Michael Mowery, 5801 East 41st Street, Suite 802, was present representing Tulsa Psychiatric Foundation and submitted a vicinity plan (Exhibit "H-1") and a plot plan for the parking lot (Exhibit "H-2"). Mr. Mowery advised that a parking lot facing 13th Street is proposed on the subject tract. Directly south is a two-story apartment building with a parking lot which has no screening. To the west is another two-story apartment building with an additional parking lot. Mr. Mowery also requested that the screening requirement be waived on the subject lot.

Protestants: None.

Interested Party:

Eugene Colleoni, District #4 Chairman to the Greater Tulsa Council, was present and stated that he had visited the premises and requested that the screening requirement be waived because it would be a hindrance rather than a help. The District recommended that the application be approved.

Board Comments:

Mr. Smith asked if the parking lot would be used for the Foundation and Mr. Mowery answered in the affirmative.

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 Districts) for off-street parking in an RM-2 District; and a Variance (Section 1340 (e) - Design Standard for Off-Street Parking Areas) of the screening requirements, on the following described property:

Lots 10, 27 and 28 and VACATED East 10' of Trenton Avenue on the West, Block 7, Forest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12169

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to allow two dwellings on one lot of record. This property is located at 1748 South Xanthus Avenue.

Presentation:

Terrence Quinn, 5607 South Gary Place, was present and submitted a plat indicating the garage apartments in the surrounding area (Exhibit "I-1"). Mr. Quinn stated that there are in existence eight (8) garage apartments and one duplex in the immediate area. The variance is requested to allow the construction of a house on the subject property. There is presently a structure (house) on the rear of the property line, which also has a detached garage. Mr. Quinn intends to tear the existing garage down and provide off-street parking.

Protestants:

Robert Carruth, 1743 South Xanthus, was present in protest to the application stating that the property was not well-kept. Mr. Carruth advised that there is heavy traffic in the subject area presently, and if the application is approved it will only create a greater problem. He stated that he was opposed to having two dwellings on the same lot.

Roland Gniech, 1736 South Xanthus Avenue, was present stating that the subject property is an eyesore to the surrounding area. He stated that he was in opposition to having two dwellings on the same lot.

Ivan Roark, 1738 South Xanthus Avenue, was present stating that he was not opposed to improvement on the lot, but was opposed to having two rental properties on the subject lot. He also expressed a concern with the parking problem in the subject area.

Board Comments:

The Board asked Mr. Quinn if he intended to use both dwellings for rental purposes and Mr. Quinn answered in the affirmative.

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 Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwellings on one lot of record, on the following described property:

Lot 4, Block 2, Edgewood Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12170

Action Requested:

Variance - Section 240.3 - Permitted Yard Obstructions - Request for a variance of the 750 square feet or 20% of the rear yard for a detached accessory building; and a Variance - Section 420 - Accessory Uses in Residential Districts - Request to allow storage and minor maintenance of classic automobiles. This property is located at 2025 East 50th Street North.

Case No. 12170 (continued)

Presentation:

C. Kenneth Reid, 2025 East 50th Street North, was present and submitted a plot plan (Exhibit "J-1"). Mr. Reid stated that he is proposing to build a garage-type structure to store his antique automobiles, some of which have not yet been restored. He stated that he presently has some vehicles stored on the back portion of his property, which he plans to store in the accessory building if approved.

Protestants:

Mamie Marina, 5021 North Xanthus Avenue, stated that she is not opposed to the applicant constructing the building. She advised that there are approximately 18 automobiles on the subject property which are close to her fence. She requested that they be removed because she has recently noticed mice on her property and does not want the cars to remain where they presently are.

Applicant's Rebuttal:

Mr. Reid stated that he only has about 5 or 10 cars on his property at this time. He also advised that he has moved every vehicle which was by the fence closer to his house.

Board Comments:

The Board asked Mr. Reid if he would be conducting a business at this location and if he intends to sell the cars at this location. Mr. Reid stated that it was not a business, but was his hobby and he also stated, that he would not be selling the cars on the subject property.

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 30, 1982 meeting, so the Board members can view the subject property.

Case No. 12171

Action Requested:

Variance - Section 420.2 (d) - Accessory Use Conditions (Signs) - Request for a variance of the minimum square-footage and height for a church sign in a residential zoned district. This property is located at 1244 South Utica Avenue.

Presentation:

The minister for the First Lutheran Church was present to address the Board on behalf of the applicant, Frank Dent, 1244 South Utica Avenue. A drawing of the proposed sign was submitted (Exhibit "K-1"), and a drawing of the proposed location of the sign was also submitted (Exhibit "K-2"). The Church is proposing to place a 4' x 8' sign on Lots 4 and 5, which are owned by the Church and are vacant lots. The sign would indicate the time of services and the location of the church building. The sign will be located at the extreme southeast corner of the subject property.

Protestants: None.

Interested Party:

Eugene Colleoni, District #4 Chairman to the Greater Tulsa Council, was present stating that he had reviewed the application and advised that the sign would not detract from the residential nature of the neighborhood

Case No. 12171 (continued)

and urged the Board to approve the request.

Board Comments:

Discussion ensued concerning the advertisement being correct. Mr. Gardner stated that the case was properly advertised because the sign will be the principal use because only the sign will be located on the subject property and the Church is to the north one block. The request is a variance and would require the finding of a hardship. Paula Hubbard, Protective Inspections stated that since the use is a principal use, the applicant has to meet the RM-2 setback requirements and the sign setbacks and is not advertised for the variance of the setback requirements. If the application were approved it would be subject to the execution of the removal contract.

Board Action:

On MOTION of WIAT and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Smith, Wait, "aye"; Victor, "nay"; no "abstentions"; Purser, "absent") to continue this item to the September 30, 1982 meeting to readvertise.

Discussion:

Mr. Wait requested that the applicant supply detailed information concerning the exact location of the proposed sign.

Case No. 12173

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request for a special exception to allow a Use Unit 15 (heating and air conditioner business) in a CS Zoned District. This property is located north of the northwest corner of Oklahoma Street and Yale Avenue.

Presentation:

Bill Mizener, 4236 South 76th East Avenue, was present on behalf of the owner of the subject property. The owner has a contract to sell the lot to Mr. Boyce who intends to put in his heating and air conditioner business at the subject location. A plot plan was submitted (Exhibit "L-1"). The proposed business will contain 1,820 sq. ft. for heating and air conditioning distribution, sales and services.

Protestants: None.

Interested Party:

Marjorie Jenkins, 1415 North Yale Avenue, was present stating that she was not opposed to the request, but wanted to have more information about the business. She was concerned about the noise level involved and the lighting proposed. She advised that a previous business was located on the subject property and there were loud delivery trucks unloading at night and there was vapor lighting for their business which disturbed them at night.

Applicant's Comments:

Mr. Mizener stated that the noise level would not be loud because most of the work is done at the customers home or at the construction site and the work which is done on the subject property would take place inside. He also advised that there would be no bright lighting for the subject property.

Case No. 12173 (continued)

Board Comments:

Mr. Victor asked if there would be a sign on the subject property and Mr. Mizener stated that there would be a 4' x 4' sign located on the subject property.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-1 (Chappelle, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to allow a Use Unit 15 (heating and air conditioner business) in a CS Zoned District, subject to all work being done inside, that no outside storage of materials be permitted, and that the hours which the business is open be limited to 8:00 a.m. to 5:00 p.m. for five (5) days a week except in emergency situations, on the following described property:

Lot 14, Block 3, Homestead Addition, City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 12174

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request for a special exception to allow a Use Unit 15 in a CS Zoned District. This property is located at the NW corner of 51st Street and Mingo Road.

Presentation:

Ron Sipes, 9911 East 54th Street, was present and submitted a site plan of the subject property (Exhibit "M-1"). Mr. Sipes advised that a meeting with the homeowner's association was held concerning this application and their approval was given. Mr. Sipes advised that the proposed service center is very similar to the one located on 47th Street and Memorial Drive. The proposed structure will be constructed of brick masonry instead of concrete.

Mr. Sipes then read a letter addressed to the president of Regency Park Homeowner's Association (Exhibit "M-2"). The applicant anticipates that approximately 30% to 40% will be devoted to commercial purposes and the balance devoted to other trades and services. Included in the letter is a list, indicated by Use Unit Number all of the restricted uses to which they agreed. Mr. Sipes also advised that they would create less traffic with the service center concept. The hours of operation will be basically 8:00 a.m. to 5:00 p.m. He also advised that the applicant would maintain the 8' screening fence.

Protestants: None.

Interested Party:

Gerald Eaton, 4945 South 94th East Avenue, was present stating that he was in support of the request.

Margot Henthorn, 5029 South 94th East Avenue, was present and was concerned about the drainage direction on the property. She was also concerned about the location of the service center on the subject property. Mrs. Henthorn asked if a grocery store would be located in the service center and Mr.

Case No. 12174 (continued)

Sipes advised that there would not be. She expressed a concern about the placement of the dumpsters because of the rat problem in the area. Mr. Sipes advised that the tract would be a completely concrete area and would be swept twice a month. The dumpster containers which are rat proof would be emptied once or twice a week.

Board Comments:

Mr. Chappelle asked if there would be any outside storage and Mr. Sipes answered no.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-1 (Chappelle, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow a Use Unit 15 in a CS Zoned District, per plot plan submitted, subject to approval by Tulsa Hydrology Department and subject to the prohibition of the following uses:

Use Unit 19: Bowling Alley, Dance Halls, Hotel, Motel, Motion Picture Theater - X Rated Only, Night Club, Rifle Range, Slot Car Tract, Tavern; and,

Use Unit 20: Areana, Drag Strip, Drive-In Theater, Fair Ground, Frisbee Golf Course, Go-Cart Track, Golf Driving Range, Miniature Auto Track, Outdoor Recreation, Race Tracks (Auto, Dog, Horse), Rodeo Grounds, Skateboard Track, Stadiums, and Water Slide; and,

Use Unit 15: (this is the Unit in which we have requested the exception) Bait Shops, Bottled Gas, Fuel Oil, Ice Plant, Lumber Yard, Model Homes (for displays only outdoors), Portable Storage Buildings, Frozen Food Locker, Kennel, Taxidermist;

on the following described property:

Lot 2, Block 1, Regency Center Amended, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12176

Action Requested:

Variance - Section 280 - Structure Setback From Abutting Streets - Request a variance of the setback from the centerline of 11th Street from 50' to 35' for a sign. This property is located at the SE corner of 11th Street and Erie Avenue.

Presentation:

The applicant, Jimmy Williams, was not present.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to the October 14, 1982 meeting.

Case No. 12177

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the setback from Rockford Avenue from 50' to 40'. This property is located at 1442 East 34th Street.

Presentation:

Jane Bolen, 1442 East 34th Street, was present requesting the 10' variance to tear down the existing garage and construct a new one. If the garage is moved back to the 50' setback line a very large shade tree would have to be destroyed. Mrs. Bolen stated that the large tree was one of the reasons for purchasing the house. She advised that she wants to re-structure the garage because the old one is not functional. Mr. Bolen submitted the plot plan (Exhibit "M-1"), a photograph showing the existing garage and large shade tree (Exhibit "M-2"), and three (3) letters in support of the application (Exhibit "M-3").

Protestants: None.

Board Comments:

The Board inquired as to the proposed materials to be used for the new garage and Mrs. Bolen stated that the new one would be almost identical to the old one and would be constructed of wood siding.

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 setback from Rockford Avenue from 50' to 40', per plot plan, on the following described property:

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

Case No. 12180

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the setback requirement from 50' to 34.5' to permit an existing carport. This property is located at 10724 East 29th Street.

Presentation:

Harvey Hunter, 10724 East 29th Street, was present and submitted a plot plan (Exhibit "N-1"), and six (6) photographs of the subject property showing the carport in question (Exhibit "N-2"). Mr. Hunter stated that he recently landscaped his property and installed a carport and then was informed that he needed a building permit for the carport. He requested that he be granted the variance so he can continue using his carport. He advised that the carport is an asset to the neighborhood.

Protestants:

David Pauling, 10904 East 29th Street, was present stating that if the application is approved it will set a precedent in the area. He also stated that there are no other carports in the immediate surrounding area.

Board Comments:

Mr. Victor asked if the carport could be placed elsewhere on the lot and Mr. Hunter stated that placing the carport on the front of the lot was the

Case No. 12180 (continued)

only location large enough to locate the carport.

The applicant was unable to present a hardship.

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 Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the setback requirement from 50' to 34.5' to permit an existing carport, on the following described property:

Lot 17, Block 14, Valley Glen Addition, to the City of Tulsa, Tulsa County, Oklahoma, LESS the following described tract and Lot 16, Block 14, Valley Glen Addition, plus the following described tract: Beginning at the Southeast corner of said Lot 17; thence North 4⁰-42' West a distance of 49.17'; thence due North a distance of 48.00'; thence North 2⁰-20'-30" East a distance of 26.01'; thence due East a distance of 3.00' to the original corner of Lots 16-17; thence due South a distance of 123.00' to the point of beginning.

Case No. 12182

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Request for an off-site construction facility on a tract located at the NE corner of 91st Street and Memorial Drive.

Presentation:

Roy Johnsen, 324 Main Mall, was present representing States Construction Company and submitted a map of the subject property (Exhibit "O-1"). Mr. Johnsen advised that the subject property is adjacent to Memorial Drive at 91st Street and is zoned AG. The applicant is proposing to place an off-site construction facility on the subject property with a concrete batch plant, which would be limited to servicing Memorial only. The anticipated time for completion of the project would be October 1, 1983. The map indicated the 35-acre tract in question with the application being confined to the southwest 10-acre area. The batch plant which would be the most troublesome of the uses would be located within a minimum of 300' from the centerline of 91st and 300' from the centerline of Memorial.

Protestants: None.

Board Comments:

Mr. Victor inquired as to the days and hours of operation and Mr. Johnsen stated that the days and hours could not be a definite pattern, but the work would be done during daylight hours.

Paula Hubbard, Protective Inspections, advised that the application would be subject to platting as required by Use Unit 2 for off-site construction facilities. Mr. Johnsen indicated that he would seek a waiver of that requirement. The applicant would need to go before the Planning Commission seeking a waiver of the platting requirement.

Case No. 12182 (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 approve a Special Exception (Section 310 - Principal Uses Permitted in the Residential Districts) for an off-site construction facility as described on a tract located at the NE corner of 91st Street and Memorial Drive for a period of one (1) year, limiting the use to the southwest 10 acres on the 40-acre tract, on the following described property:

The S/2, SW/4, SW/4 and the S/2, N/2, SW/4, SW/4, and the S/2, N/2, N/2, SW/4, SW/4 of Section 13, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 12183

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial District - Request to locate a flea market in an IL District. This property is located at 4114 and 4120 East Pine Street.

Presentation:

Sherry Martin, 3202 East Tecumseh Avenue, Apt. #16, was present.

David Pigeon, 233 South 72nd East Avenue, submitted a plat (Exhibit "P-1") and sixteen (16) photographs of the subject property (Exhibit "P-2"). The subject property contains approximately 15 acres, but the flea market only covers about 5 acres with 1,000 square feet being use for parking. Mr. Pigeon stated that the two biggest problems dealing with a flea market is the noise level and the trash involved. Mr. Pigeon stated that there is a compression operation located east of the subject property and a train station located northwest of the property, which makes a lot of noise. The applicant stated that they have had no problems with the trash. There are several families who take turns staying over night at the subject location to prevent theft and vandalism. Mr. Pigeon stated that he owns a used appliance store located east of the flea market parking lot.

Albert Johnson, 1519 East 4th Street, one of the dealers of the flea market, was present stating that he owns his home but takes turns staying over night at the subject location to guard against theft. No one lives at the subject location on a permanent basis.

Shirley Whitehead, 316 North Tacoma Avenue, one of the dealers, was present and stated that she and her family stay over night to guard the subject location. She stated that she has cooked outside, but does not sell to any of the customers.

Board Comments:

Mr. Smith asked if the parking lot needed to be paved and Mr. Gardner advised that the only gravel parking lots were those established prior to 1970 and those accessory to a business that is operating.

Comments:

Paula Hubbard, Protective Inspections, stated that the Building Inspector's Office has received several complaints about the flea market concerning cooking outside and reports that there are no restroom facilities on the

Case No. 12183 (continued)

property so the people use the restroom outdoors. Mr. Pigeon advised that there is one outside toilet facility on site which has service to his appliance store located to the east of the flea market. He also advised that the dealers have a meal together every Monday evening and sometimes the food is cooked outdoors, but most of the time it is prepared at their homes.

Mr. Victor asked when the biggest crowd was at the subject property and Mr. Pigeon stated that on the weekends there are no more than 25 to 30 customers at a time and about 15 to 25 dealers from various locations visit this flea market on the weekends.

Discussion ensued as to the individual who would be responsible for the application if approved. It was determined that David Pigeon was, since he paid the rent for the lease of the land.

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 910 - Principal Uses Permitted in the Industrial District) to locate a flea market in an IL District, for a temporary period of one year, not to conflict with any other governmental agency restrictions on the operation, subject to Health Department approval, to run with this applicant (David Pigeon) the responsible individual who should refile the application after one year, on the following described property:

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

Discussion:

Mr. Gardner advised that a new application should be filed before the second meeting of September 1983.

Case No. 12184

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate a mobile home in an RM-1 District in order to take care of an elderly relative. This property is located at 921 North Troost Avenue.

Presentation:

The applicant, Joan Nash, was not present.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue this item to the October 14, 1982 meeting.

Case No. 12185

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request for duplex use in an RS-3 District. This property is located at 1924 West Archer Place.

Presentation:

Mr. Smith advised that the applicant, William Hall, submitted a letter requesting that the application be withdrawn (Exhibit "Q-1").

Protestants:

There were several in protest to the application and they advised that the applicant has done some work on the subject property for the proposed duplex use.

Comments:

Paula Hubbard, Protective Inspections, advised that the applicant was issued a building permit for a single-family dwelling only. She also stated that she had an inspector check the subject property previously, but advised the protestants that she would have him check the subject property again.

Mr. Gardner advised that the applicant has withdrawn his application. If the applicant is in violation of the Zoning Code he has given up his right of approval by withdrawing his application for relief. He stated that the neighborhood has the responsibility to follow-up on the case to make sure that the applicant complies with the Ordinance.

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 withdraw this item from the agenda.

Case No. 12186

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to use the subject tract for off-street parking, abutting a commercial district. This property is located at 4143 South Peoria Avenue.

Presentation:

Bill Doyle, attorney, was present representing Harold Burlingame, 6660 South Lewis Avenue, who owns Syarb, Inc.

Protestants: None.

Board Comments:

Mr. Smith advised that he had a conflict of interest on this particular case and needed to abstain. Since one of the Board members had to leave early, one was not present for this meeting and Mr. Smith needed to abstain, the Board could not act on this case.

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 30, 1982 meeting.

Case No. 12187

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request for a car wash in a CS Zoned District. This property is located at the SE corner of 21st Street and Lewis Avenue.

Presentation:

Casper Jones, 1302 South Fulton Avenue, was present representing Texaco and submitted a plot plan (Exhibit "R-1"). Mr. Jones stated that the request is for a car wash on the southeast corner of 21st Street and Lewis Avenue. The car wash will be located to the east of the presently existing service station building.

Protestants: None.

Board Action:

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

Lot 1, Block 1, Texaco Center Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12188

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to sell tires as a retail tire store. This property is located at 3866 South Sheridan Road.

Presentation:

Dwight Kouri, Forth National Bank Building, attorney, was present representing Burl Hawkins and Mastercraft Tires, Inc. The request is to sell tires as a retail tire store and would include the installation of tires. The business will be located in the existing structure on the property. Mr. Kouri advised that there will be an area where the tires can be stored until they are picked up. He stated that currently the tires are stored inside and removed once a week and there will be no tire storage for over a weeks period until they can be picked up.

Joe Halkie, 1526 East 53rd Street, general manager of U-Need-Um Tires, was present and stated that he is leasing the subject property from Mr. Hawkins. Mr. Halkie stated that he has added a new 32' x 50' building on to the existing building. He also stated that all of the used tires are stored on racks which have been moved inside and none are stored outside. He advised that the subject property has been cleaned up and he plans to leave nothing out in the open to make it appear junky.

Protestants or Interested Parties:

Robert Tips, attorney representing Evans Furniture, Scott Rice Company, Pioneer Plaza I, and Toyota of Tulsa, was present and stated that the businesses did not object to the request being granted, but wanted some conditions placed on the approval. They requested that the subject property be screened and that the tires not be stored for an extended period of time. They also opposed any outside storage of tires.

Case No. 12188 (continued)

Board Comments:

Mr. Victor inquired as to any proposed signs and Mr. Halkie stated that there will be a sign on the front of the building and one lighted neon sign which will be erected on a pole. The largest sign will be the neon sign and it will be no larger than 4' x 18' on a double pole.

Mr. Gardner advised that the applicant may need to come before the Board again concerning the free-standing sign and the amount of signs in order to comply with the Zoning Code.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to sell tires as a retail tire store, subject to no outside storage (enclosed storage) no installation of tires outside of the building, that the used tires be collected a minimum of once weekly, and that the signs be in compliance with the Zoning Code, on the following described property:

A tract of land, containing 0.913 acres in the NE/4 of the SE/4 of Section 22, Township 19 North, Range 13 East, Tulsa County, Oklahoma, said Tract being described as follows, to wit:

Starting at the Southeast corner of said NE/4 of the SE/4; thence North along the East line of Section 22 for 150.4'; thence West at a right angle for 50' to the point of beginning of said Tract, said point of beginning also being on the Northerly right-of-way line of the U. S. Highway #66 Bypass; thence North and parallel to the East line of Section 22, for 200'; thence West at a right angle for 150'; thence South at a right angle, and parallel to the East line of Section 22, for 330.16' to a point on the Northerly right-of-way line of the U. S. Highway #66 Bypass; thence Northeasterly along said Right-of-way line for 198.60' to the point of beginning, Tulsa County, Oklahoma, according to the U. S. Survey thereof.

Case No. 12189

Action Requested:

Special Exception - Section 1680.1 (g) - Special Exceptions - Request to permit off-street parking on property abutting a CS District. This property is located north and east of the NE corner of 107th East Avenue and 11th Street.

Presentation:

Roy Johnsen, 324 Main Mall, was present and submitted a topographic survey (Exhibit "S-1"), a photograph of the existing structure (Exhibit "S-2"), and a photograph of the wooded area adjoining the subject property (Exhibit "S-3"). Mr. Johnsen, attorney representing the owners, Mr. John Stutsman and Mr. Gene Oliver, stated that they own the subject property and the property just south where a proposed structure was approved by the Board previously and was constructed. The owners intend to expand the building, but in order to do so they need additional parking and plan to place the parking on the subject property, which is adjoining the structure that was previously approved. If the off-street parking request is approved, the owners can expand the presently existing structure. Mr. Johnsen stated

Case No. 12189 (continued)

that the north boundary of the subject property is designated for the drainage area and is heavily vegetated and is separated from any single-family dwellings.

Mr. Johnsen stated that Ruben Hays of the City Engineering Department has indicated on the survey that they have no objection to the request, subject to his receiving a copy of the final drainage plan.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 1680.1 (g) - Special Exceptions) to permit off-street parking on property abutting a CS District, on the following described property:

The North 330' of Lot 10, Block 2, East Eleventh Park Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12190

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the rear yard requirement from 25' to 7' and a variance of the side yard requirement to the north to 3'; and a Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate a Church in an RM-2 District; and a Special Exception - Section 410 - Principal Uses in the Residential District - Request for off-street parking in an RM-2 District. This property is located at 24 South Rosedale Avenue.

Presentation:

Rev. Ira Pisachubbe, 4139 South 33rd West Avenue, was present representing Southern Baptist Church and submitted a drawing (Exhibit "T-1"). Rev. Pisachubbe stated that they are proposing to extend the present Church building and add more classroom space. He stated that they are requesting a variance from 25' to 7' north of the building and from 7' to 25' west of the existing building.

Protestants: None.

Board Comments:

Discussion ensued concerning the amount of parking which would be provided for the expansion and the location. There was also discussion concerning tying the two properties together. Mr. Gardner suggested that the tie contract be executed to tie the two properties in question together to assure that there is plenty of parking provided. Later it was suggested that the Building Inspector calculate the parking requirement to determine if the execution of the tie contract is necessary.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the rear yard requirement from 25'

Case No. 12190 (continued)

to 7', variance of the side yard requirement to the north to 3'; and a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to locate a Church in an RM-2 District; and a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) for off-street parking in an RM-2 District; subject to the condition that if the determination is made that additional parking is required that the tie contract be executed between the two properties located on the northwest corner and southeast corner of the intersection of Rosedale and 1st Street, on the following described property:

Lots 25-28, Block 12; Lots 1-5, Block 14; and Lots 1-4, Block 15, Amended Plat of Overlook Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Discussion:

There was discussion as to the platting requirement being imposed and Mr. Gardner suggested that the applicant write a letter requesting waiver of the platting requirement which would go before the Planning Commission.

Case No. 12194

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request (Use Unit 11) to locate an office in an RM-2 District and a request for off-street parking in an RS-3 District. This property is located at 215 South Nogales Avenue.

Presentation:

William LaSorsa, 1640 South Boston Avenue, was present and submitted a copy of the Planning Commission Minutes from the August 18, 1982 meeting Exhibit "U-1"). He stated that the correction which was inserted was not an error, but was inserted for his benefit.

Cheryl Bussell was present to address the Board on behalf of William LaSorsa, the applicant. Ms. Bussell proceeded to locate the subject property on a drawing which was presented for the Board's review. The subject property contains Lot 5, which has a residential structure on it and is presently being used as an office for a bail-bonding company. Eugene and Annie Scholten, who own Lot 6, will be operating the business and they are not in compliance with the Zoning Code at this time.

Ms. Bussell stated that the long-term plan for the clients is to acquire all of the property out to Charles Page Boulevard. In the future, their plan is to build an office at the subject location which would be subject to the setback requirements. The neighborhood is residential in character back from Charles Page Boulevard, but there are several businesses in the area also. She stated that the area will become an office and high intensity use in the near future. Lots 6, 7, and 8 are all vacant and will be used for parking until such time that they would build the office structure, which was mentioned earlier. Ms. Bussell stated that Lots 5 and 6 are the only ones before the Board at this time. Lots 7 and 8 are zoned commercial.

Protestants:

Alvin Floyd, attorney representing Dr. Lawrence McElwaine, a property owner in the subject area, was present stating that most of the people in the subject area are opposed to the application being approved. He stated that the bail-bonding business was unusual and would require that the business be in operation after 5:00 p.m. He stated that if the application is approved that it would create a parking problem.

Rev. J. B. Shinn, pastor of Nogales Avenue Baptist Church, 1010 West 1st Street, was present stating that although there are several businesses in the subject area, it is primarily residential in nature. He stated that the proposed businesses would not be consistent with the area because there are several elderly individuals in the area and several young children in this same area. He stated that he was in protest to the application and stated that the business has been illegally operated at the subject property for a year and a half.

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

Billie Armstrong, 216 South Nogales, was present and submitted a letter from Larry Hatichus (Exhibit "U-2"), a petition containing approximately 23 signatures (Exhibit "U-3"), and eleven (11) photographs showing the parking problem (Exhibit "U-4"). Mrs. Armstrong submitted a letter from Larry Hatichus who previously worked as a bondsman at the subject location and Mr. Smith proceeded to read the letter. Mrs. Armstrong stated that there is a nursing home in the subject area and the elderly people only have one place to walk and get their exercise which is an area close to the subject property. She stated that there are several small businesses in the area and the proposed bonds business would not be consistent with the area. She stated that there have been as many as seven (7) bondsmen working out of the subject location.

Interested Party:

E. L. Scholten, 209 South Nogales Avenue, was present stating that he owns the lot next to the one in question, the lot on the corner and two lots north of it. He stated that he lives next to the business in question and has no objection to the application being granted.

Staff Comments:

Mr. Garnder advised the Board of the past history of the subject property. He stated that the application went before the Planning Commission and they recommended that this Board hear the case because the Staff had recommended office use for the property. It would be consistent with the Comprehensive Plan for this piece of property. After some study it was found that the Planning Commission could put no controls over the case, or handle it unless it were a special exception through this Board. The Planning Commission was reluctant to zone it office. This Board can impose any conditions to make it more compatible with the neighborhood. The lots to the south are commercial and the lots which are under application are to use the existing structure for an office. If a new structure is constructed the setback variances must be adhered to.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to DENY a Special Exception (Section 410 - Principal
9.16.82:371(25))

Case No. 12194 (continued)

Uses Permitted in the Residential Districts) (Use Unit 11) to locate an office in an RM-2 District and a request for off-street parking in an RS-3 District, on the following described property:

Lot 5 and 6, Block 1, Crosbie Heights Addition, to the City of Tulsa, County of Tulsa, State of Oklahoma.

Discussion:

Mr. Jackere, Legal Council, advised that the applicant has 10 days to appeal to District Court if they desire. The City will take no steps to abate for 10 days, but on the 11th day action will be taken.

Case No. 12203

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District. Request to locate a mobile home in an AG District. This property is located at the SW corner of 31st Street and 193rd East Avenue.

Presentation:

Bruce Peterson, attorney representing Ernestine McCarty, 5757 East 52nd Street, was present stating that Mrs. McCarty owns 160 acres on the NE corner of the section. There is a small house located on the corner of the property which is used as a rent house and was there prior to Mrs. McCarty's purchasing the subject property in 1950. Mrs. McCarty is elderly and is requesting permission to locate a mobile home on the subject property. The mobile home is presently on the lot and is located approximately 500' from the County line and 250' from 31st Street. The closest resident is one third of a mile to the west of the subject property.

Protestants: None.

Board Comments:

Mr. Victor asked if there were other mobile homes in the area and Mr. Peterson answered in the affirmative. Mr. Victor asked if the mobile home had been approved by the Health Department and Mr. Peterson answered in the affirmative and stated that the perk tests were approved and electricity has been installed.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts) to locate a mobile home in an AG District, for a period of five (5) years, on the following described property:

The W/2 of the NE/4 of the NE/4 of Section 24, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 12148

Consider the substitution of a plot plan for Board of Adjustment Case No. 12148.

Presentation:

Roy Johnsen, 324 Main Mall, attorney representing the applicant, Midway Development Company, was present and submitted a substitute plot plan (Exhibit "V-1"). Mr. Johnsen stated that the subject property is located on the north side of 41st Street and east of Memorial Drive. The property is zoned IL and the Board previously approved a hotel on the site. Mr. Johnsen stated that the previous site plan did not provide sufficient parking for the hotel. The substitute plot plan includes a change in the number of units from 180 units to 186 units and more parking has been added to the plan. He stated that the Board had no real concern with the proposed parking when the case was previously granted.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve the substitute plot plan as presented.

Case No. 12003

Action Requested:

Consider the approval of site plan review for BOA Case #12003.

Presentation:

The applicant was not present.

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 October 14, 1982 meeting.

Case No. 12030

Action Requested:

Consider approval of conceptual Site Plan for Board of Adjustment Case No. 12030.

Presentation:

Stuart Nyander, 717 South Houston Avenue, was present and submitted a conceptual site plan (Exhibit "W-1"). Mr. Nyander, who is representing Tulsa Junior College, stated that the southeast campus which is located east of South Mingo Road on East 81st Street is zoned AG. He stated that the use was previously approved, but was required to come back to the Board for plot plan approval. There are two ponds on the subject property which will be maintained. The proposed structures will appear to be two stories on the pond site and will appear as one-story on all other sides with the exception of the gymnasium. The plans need to be approved so that a building permit can be issued. The property has been platted and will go before its final review on September 23, 1982.

Protestants: None.

Case No. 12030 (continued)

Comments:

Alan Jackere, Legal Council, advised that if the site plan is approved it is just a conceptual approval. Even though the drawings are drawn to scale this Board has no authority to approve this site plan with all of the buildings as shown. The buildings might require a variance to meet setback requirements.

Paula Hubbard, Protective Inspections, stated that there will be no screening requirement on the subject property.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve the conceptual site plan as presented.

There being no further business, the Chair adjourned the meeting at 5:40 p.m.

Date Approved

October 14, 1982

Adrian M. Smith
Chairman