

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 372
Thursday, September 30, 1982, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Chappelle
Purser (in at 1:10 p.m.)
Smith, Chairman
Victor
Wait (out at 1:15 p.m.)

STAFF PRESENT

Jones
Gardner
Martin

OTHERS PRESENT

Jackere, Legal
Department
Miller, Protective
Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, September 28, 1982, at 8:50 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 1:05 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-1 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; Wait, "abstaining"; none, "absent") to approve the Minutes of August 19, 1982 (No. 369) and that the wording to Case No. 12131 on the Board Action be changed to delete the work "within" from the phrase "and a protective canopy within 55' from the centerline", and to approve the Minutes of September 2, 1982 (No. 370).

WITHDRAWN CASES:

Mr. Smith advised that Case Numbers 12197, 12198, and 12193 have been withdrawn from the agenda.

UNFINISHED BUSINESS:

Case No. 12099

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to locate three mobile homes in an RS-3 District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow three mobile homes on a lot of record with an existing single-family structure; and a Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the one year time limit and a variance of the removal bond. This property is located at 4531 North Lewis Avenue.

Presentation:

The applicant, Joe Zigler, was not present.

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

Comments:

Mr. Gardner advised that the application was continued at the previous meeting so that the applicant could be present for this hearing.

Mr. Smith asked if there were any mobile homes on the subject property presently and the protestants advised that there were none there yet.

Case No. 12099 (continued)

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to deny a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to locate three mobile homes in an RS-3 District; and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow three (3) mobile homes on a lot of record with an existing single-family structure; and a Variance (Section 440.6 - Special Exception Uses in Residential Districts) of the one year time limit and a variance of the removal bond, because the applicant has failed to present his case for two meetings in succession, on the following described property:

The North 165' of the West 528' of the S/2, N/2, NW/4, NW/4; LESS the West 30' thereof, Section 17, Township 20 North, Range 13 East, (1.89 acres) according to the Government Survey, 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.

Presentation:

C. Kenneth Reid, 2025 East 50th Street North, was present stating that the application was continued at the last meeting so that the Board members could view the site. Mr. Reid stated that he does not intend to keep his automobiles out side, but is in the process of constructing a building to place within the majority of the vehicles. He was not aware that a building permit was required and has spent approximately \$2,000 in this investment. A salvage and/or a business will not be operated at this location.

Howard Hines, 2207 East 50th Street North, was present stating that he owns the subject property. He stated that Mr. Reid has kept the property clean. He stated that he was in support of the application.

Protestants:

Mamie Marina, 5021 North Xanthus Avenue, was present and submitted a photograph depicting the automobiles which are located along her fence (Exhibit "A-1"). She stated that the application is to allow storage of classic automobiles and most of the automobiles are old run-down vehicles. She stated that she was opposed to the amount of vehicles and their location next to her fence.

Case No. 12170 (continued)

Staff Comments:

Mr. Gardner advised that the case was continued at the previous meeting so that the Board members could view the site and report on the number of cars presently on the property. He stated that it appears on evidence submitted, that the applicant is operating a business at the subject location.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to DENY a Variance (Section 240.3 - Permitted Yard Obstructions) 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) to allow storage and minor maintenance of classic automobiles, on the following described property:

Lot 4, Hughey Acres Addition, City of Tulsa, Oklahoma.

Case No. 12171

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential District - Request for a sign to be the principal Use; and a Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback requirements. This property is located at 1244 South Utica Avenue.

Presentation:

Vincent Bomgren, 1244 South Utica Avenue, pastor of First Lutheran Church, was present stating that the Church purchased two duplexes on the corner of 13th Street and Utica Avenue and two lots on the corner of 13th Place and Utica Avenue. There are two houses located between the two above stated locations which the Church plans to acquire in the future. They intend to acquire the entire half block from 13th Street to 13th Place for church related purposes.

The architect for the Church, Bruce Belsey, 3164 South Owasso, was present and submitted a handout consisting of a description of their request, a drawing of the sign, and a rendering showing the placement of the sign (Exhibit "A-1"). At the previous meeting, the sign was judged by this Board as a primary use on the site. The setbacks which are requested include a 70' setback on the east side, and on the south the freeway right-of-way is some 42' south of the service road curb and the applicant has established the setback on the south at 10' from the freeway right-of-way.

Although the proposed sign is a primary use on this particular site, it is an accessory use to the church which is located one block to the north. The Church intends to build additional structures on the subject property in the future as they are able to attain the two additional lots.

Protestants: None.

Interested Party:

Eugene Colleoni, District #4 Chairman to the Greater Tulsa Council, was present stating that they have no recommendation, but will leave the decision to this Board.

Case No. 12171 (continued)

Remarks:

Mrs. Purser asked what the size of the proposed sign was and Mr. Belsey stated that the sign is 4' x 8' or 32 square feet in size.

Mr. Victor advised that the variance requires the finding of a hardship and Mr. Belsey stated that the hardship would be the loss of visibility and the loss of traffic by the church site since the expressway has been completed.

Mr. Gardner suggested that the applicant request a temporary sign on the property so indicating the presence of the church one block to the north on the basis that there could be other types of signs permitted. The sign would be similar to a for-sale sign or a construction sign. The applicant was in agreement with the proposal and requested a two year time period for the sign.

The Board was concerned that if the application was approved, it would set a precedent. The Board stated that they would never approve the application if there were no building plans in the future. Mr. Belsey stated that the Church does use the site for various Church activities as a part of the church, although there is no building there.

Mr. Jackere, Legal Council, advised that the Board has some concern that a precedent would be set if the application were approved. The Church is currently using the property for Church purposes. The Board might require the applicant to advertise for Church use. If it is granted approval for Church use it does not require the Board's approval for the identification sign if the setbacks do not present a problem. The Board also expressed some concern dealing with the setback requirements.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in the Residential District) for a sign to be the principal use for a period of one year; and to DENY a variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback requirements, on the following described property:

Lots 4 and 5, Block 1, Lakeview Addition to the City of Tulsa, Okla.

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:

William J. Doyle, III, attorney representing Harold Burlingame, 6660 South Lewis Avenue, who is the broker involved in this case was present. Mr. Doyle submitted a copy of the plat (Exhibit "B-1"). The applicant is requesting that the adjacent residential lot be included within the commercial lot, so that there will be a continuous 255' strip of land for a new building to be constructed on the site. The residential lot to the

Case No. 12186 (continued)

east is 55' in width and will be screened on the north, east, and south sides to prohibit access to that lot except only through the commercial area to the west. The parking portion will be subject to the Zoning Code requirements.

Protestants: None.

Board Comments:

Mrs. Purser stated that she felt that this case was a zoning matter and should not be before this Board.

Mr. Victor asked Mr. Doyle if his client intended to maintain the screening fence and Mr. Doyle answered in the affirmative.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 2-1-1 (Cappelle, Victor, "aye"; Purser, "nay"; Smith, "abstaining"; Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to use the subject tract for off-street parking, abutting a commercial district, subject to the applicant's representation including the screening fence on the north, east and south sides of the subject property, and that the parking lot be paved, on the following described property:

The East 55' of a tract of land in Section 30, Township 19 North, Range 13 East of the Indian Base and Meridian, in the City of Tulsa, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows: Beginning at a point 463.7' South and 35.0' East of the Northwest Corner of said Section 30; thence East and parallel to the North line of said Section 30, a distance of 255' to a point; thence South and parallel to the West line of said Section 30, a distance of 131' to a point; thence West and parallel to the North line of said Section 30, a distance of 255' to a point; thence North and parallel to the West line of said Section 30, a distance of 131' to the point of beginning.

Due to the lack of three affirmative votes, the application was DENIED.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12175

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Request for a variance of the setback from the centerline of Memorial Drive from 60' to 50'. This property is located at 3330 South Memorial Drive.

Presentation:

Mike Maydell, 1221 West 3rd Street, was present stating that he intends to place a sign on the subject property so as not to be obstructed by the existing billboard. He intends to move the sign 20' to the west of the billboard and 10' closer to the centerline of Memorial Drive. The proposed lighted sign is 6' in height and 10' in width and will stand approximately 16' high. The landlord has agreed to sign the removal contract for the sign.

Case No. 12175 (continued)

Protestants: None.

Comments:

Mr. Gardner stated that the Major Street Plan permits a sign 60' from the centerline, but the right-of-way is only 50'. The proposed sign will be placed on the applicant's property. The request is only for a 10' variance and there are no sign size limitations in the IL District.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 280 - Structure Setback from Abutting Streets) of the setback from the centerline of Memorial Drive from 60' to 50', subject to the execution of the removal contract, on the following described property:

A tract of land in the NE/4 of the SE/4 of the NE/4 of Section 23, Township 19 North, Range 13 East, starting at the NE corner of the NE/4 of the SE/4 of the NE/4; South 150', West 50' to the Point of Beginning; thence West 250'; thence South 150'; thence East 250'; thence North 150' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12219

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the minimum lot width to permit a lot-split. This property is located at 1630 East 30th Place.

Presentation:

Jack Arnold, 1630 East 30th Place, was present representing Architectural Resources and Design Properties and submitted the plat of survey (Exhibit "C-1"), and a copy of the General Warranty Deed for the subject property (Exhibit "C-2"). Mr. Arnold stated that he plans to split off the south 68' of Lot six (6) where a single-family dwelling will be constructed. Mr. Arnold stated that the residence will be in character with the other houses in the immediate area. A separate deed was filed with the TMAPC that permitted splitting off the south 70' from Lot 6 and Mr. Arnold is proposing to cut off an additional 2' in order to keep an existing retaining wall and landscape with the existing house to the north. He intends to separate 2' from Lot 6 and add it onto Lot 7 to the north.

Protestants: None.

Interested Party:

B. H. Edmonds, 3030 South Utica Avenue, was present expressing an interest in the proposed use for the subject property:

Board Comments:

The Board asked Mr. Arnold if he would bring the plans to the Board for review prior to the construction of the proposed dwelling and Mr. Arnold answered in the affirmative.

Mr. Gardner advised that the Planning Commission has approved the lot-split subject to this Board's approval.

Case No. 12219 (continued)

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the minimum lot width to permit a lot-split (L-15570), subject to a traditional-type house being built on this property and subject to the applicant returning to this Board with building plans for review prior to the issuance of a building permit, on the following described property:

The West 25' of Lot 1 and the West 25' of the North 25' of Lot 2 and ALL of Lots 6 & 7, Block 3, Avalon Place Addition, to the City of Tulsa.

NEW APPLICATIONS:

Case No. 12191

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential District- Request to allow a childrens' nursery in an existing school. This property is located at 10908 East 5th Street.

Presentation:

Hallie Culbertson, 422 South 105th East Place, was present requesting permission to place a licensed day care center in Reed Elementary School. This would provide a service to many parents as they bring their children to the school as early as 7:15 a.m.

Protestants: None.

Comments:

Mr. Victor asked if a sign was proposed for the day care center and Ms. Culbertson stated that a marquee or sign would be placed on the property for identification purposes. Mr. Jackere stated that since the school is a nonresidential use the applicant would be permitted a 32 square-foot sign. Mr. Gardner stated that previously the Board has permitted a small sign on the building or above the door for day care facilities.

Mr. Victor inquired as to the proposed playground and Ms. Culbertson stated that the day care center would have a separate playground facility and it would be fenced off from the grade school playground facility.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve a Special Exception (Section 420 - Accessory Uses in Residential Districts) to allow a children's nursery in an existing school, subject to the applicant's representation concerning the day care center having a separate playground facility from the grade school, and that a small sign be permitted on the building, on the following described property:

The N/2 of the SW/4 of the NE/4 of the SE/4 and the S/2 of the NW/4 of the NE/4 of the SE/4 of Section 6, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Case No. 12192

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a mobile home in an RS-3 zoned district. This property is located at 3617 South Galveston Avenue.

Presentation:

The applicant, James McHenry, was not present.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to continue this item to the October 14, 1982, meeting.

Case No. 12195

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial District - Request to locate a restaurant in an IL District; and a Variance Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the setback from the centerline of 41st Street from 100' to 62'. This property is located at the NW corner of SW Boulevard and 40th Place.

Presentation:

Oliver Hibdon, 6420 Highway #97, Sapulpa, Okla., 74066, was present and submitted a plot plan (Exhibit "D-1"). Mr. Hibdon stated that a service station presently exists on the subject property. Mr. Hibdon has purchased the property and plans to construct and operate a family style restaurant. His request also includes a variance of the setback to accommodate the 4,000 square foot building which he is proposing. The existing building has a canopy which comes within 4' of the property line and the proposed restaurant structure will come within 25' from the property line.

Protestants: None.

Board Comments:

Mrs. Purser asked the applicant if he would have sufficient parking and Mr. Hibdon stated that 43 spaces would be provided. Mrs. Miller stated that one space for every 225 square feet of building is required or 18 parking spaces minimum.

Mr. Gardner advised that the shape of the lot presents a hardship for the applicant and a precedent has already been established in the area, since the businesses have been built to the property line (zoned CH).

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Industrial District) to locate a restaurant in an IL District; and a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts, of the setback from the centerline of 41st Street from 100' to 62', per plot plans submitted, on the following described property:

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Case No. 12195 (continued)

Lots 4, 5 & 6, Block 45, Original Townsite of Red Fork, Tulsa County, Oklahoma.

Case No. 12196

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request to locate a home occupation in an RS-2 District - (Royal Wedding Service). This property is located at 3923 East 52nd Street.

Presentation:

Judy Spindle, 3923 East 52nd Street, was present requesting permission to operate a royal wedding service out of her home. Ms. Spindle stated that she would have a phone for her business which she would use to make appointments and she would go to the customer's home rather than the customer coming to the subject property. The carriage and a trailer, which the carriage rests on, is stored in her two-car garage. When the wedding takes place the carriage and trailer are pulled by a car to a location within one mile from the church building. Ms. Spindle's brother and friend, who provide the horses for the event will also meet within one mile of the church building to assemble the carriage and horses. The bride and father will be taken to the church building in the carriage and the bride and groom will be taken from the church building at the end of the wedding. Ms. Spindle stated that she has talked with the Traffic Engineering Department about the proposal. She will be required to notify them each time that she provides service for a wedding and she advised that she would adhere to the request.

Protestants: None.

Board Comments:

Mr. Smith asked if the service provided a driver for the carriage and Ms. Spindle answered in the affirmative.

The Board asked the applicant if she was aware of the home occupation regulations and she stated that she was aware of them, but did not receive a copy of the rules. The Board then requested that the Staff mail the applicant a copy of those regulations.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 420 - Accessory Uses in Residential Districts) to locate a home occupation in an RS-2 District (Royal Wedding Service) that the applicant comply with all of the home occupation Regulations, that the carriage and trailer be stored in the garage, that no customers come to the residence, that the applicant notify the Traffic Engineering Department when the service is provided, to run with this owner only, on the following described property:

Lot 9, Block 1, a Resubdivision of Lots 1 thru 13, Block 1, Lou North Woodland Acres, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential District - Request to allow a mobile home in an RS-3 zoned district. This property is located at 536 North 89th East Avenue.

Presentation:

Judy Barnes, 536 North 89th East Avenue, was present requesting permission to place a mobile home on the subject property on a temporary basis for a period of one year. She stated that her house recently burned down and the mobile home will be placed on the tract while a new house can be constructed. She stated that the mobile home is presently on the subject property because the dealer who sold the mobile home (double-wide) advised that it would be considered a house.

Protestants:

Tom Thornbrough, 1424 Terrace Drive, attorney representing Ruby Thorn, 527 North 87th East Avenue, and Mrs. Day, 515 North 87th East Avenue, stated that there are no other mobile homes in the subject area on a permanent or temporary basis. The protestants are concerned that if the application is approved, it will set a precedent and since the lots in the area are so large mobile home parks could be started in the area. Mr. Thornbrough stated that permitting the mobile home would change the character of the neighborhood.

Joe Haning, 8705 East Easton Street, was present stating that if the mobile home is permitted it would cause property values to decrease and a precedent would be set. He stated that the subject area does not have a sewer system and the mobile home would overload the soil condition. The applicant has placed the mobile home on the subject tract and has violated the Zoning Code.

Applicant's Rebuttal:

Mrs. Barnes stated that the mobile home would only be a temporary use until a new house could be completed. She stated that she does not have a septic tank system on the property presently, but intends to have one.

Board Comments:

Mrs. Purser suggested that the mobile home dealers be provided with a copy of the Ordinance dealing with mobile homes. Mr. Gardner advised that in the County Zoning Code a double-wide mobile home on a foundation is considered a single-family home, but according to the City Zoning Code any type of manufactured housing is considered a mobile home. He suggested that a copy of the Zoning Code for the City and County be submitted to an association which serves mobile home dealers.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 2-2-0 (Chappelle, Victor, "aye"; Purser, Smith, "nay"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow a mobile home in an RS-3 zoned district for a period of one year, removal bond required, on the following described property:

Lots 7 and 8, Block 8, Mingo Valley Subdivision No. 1, Tulsa County, Oklahoma.

Due to the lack of three affirmative votes, the application was DENIED.

Case No. 12200

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to allow the manufacture of vitamins on the CH zoned portion of the subject tract. This property is located east of the SE corner of 11th Street and 77th East Avenue.

Presentation:

Paul Zigenfuss, architect representing Mildred Trumbull, 2818 East 15th Street, was present and stated that Ms. Trumbull owns the lot immediately west of the subject property where she has her office downstairs and her home upstairs. She presently operates the business on 15th Street.

Ms. Trumbull cooks vegetables and distills the vitamin content of them and then makes pills and has the pills transported. The proposed building which will be placed on the subject property will be approximately 10,000 square feet and will require a 50' setback. Mr. Zigenfuss stated that the proposed structure will be similar to the building where her business is presently located. Mr. Zigenfuss submitted 8 photographs of the office and home and a rough sketch of the proposed business (Exhibit "E-1").

Protestants: None.

Board Comments:

Mr. Victor asked if trucks would be coming in and out to load and unload and Mr. Zigenfuss stated that Ms. Trumbull has United Parcel Service come to the business for pickups.

Mrs. Purser asked how many employees would be employed at the new location and Mr. Zigenfuss stated that Ms. Trumbull would have approximately 8 employees at the new location. There will be 11 parking spaces provided at the subject location.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to allow the manufacture of vitamins on the CH zoned portion of the subject tract, subject to the applicant submitting final plans for the Board's review, prior to a building permit being issued on the following described property:

The W/2, E/2, NW/4, NE/4, NE/4, of Section 11, Township 19 North, Range 13 East, in the City of Tulsa, Oklahoma.

Case No. 12201

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to locate a post office substation in a CS District. This property is located at 11654 East 21st Street.

Presentation:

Casper Jones, 1302 South Fulton Avenue, was present representing Stephen Olsen, of Olsen-Coffey Architects. Mr. Jones submitted a layout plan of the proposed business (Exhibit "F-1"). The applicant is proposing to locate a post office substation in the Forum 21 Mall Shopping Center which will occupy 13,000 square feet.

Case No. 12201 (continued)

Richard Hickleman, P. O. Box 239, Dallas, Texas, 75221, a representative of the U. S. Postal service was present to answer specific questions concerning the operation. Mr. Hickleman stated that when the substation is completed that it will be a self-service unit and will be similar to the one located in Fontana II.

Protestants: None.

Board Comments:

Mr. Smith inquired about the parking which would be provided and Mr. Hickleman stated that it would be a joint use with the other tenants of the shopping center. Mr. Hickleman added that the area to the west of the shopping center would be used for customers and postal vehicles, and employees will use the parking to the rear of the building on the south side.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to locate a post office substation in a CS District, on the following described property:

Lot 1, Block 1, Burris Square Addition in Tulsa County, Oklahoma.

Case No. 12202

Action Requested:

Variance - Section 610 - Principal Uses Permitted in the Office Districts- Request to locate a florist shop in an OM District. This property is located at 1597 East 19th Street.

Presentation:

John Moody, attorney representing Mr. and Mrs. Kenneth Gripka, 1956 Utica Square, was present and submitted thirty (30) photographs of the subject property and surrounding properties (Exhibit "F-1"), and a preliminary elevation plan (Exhibit "F-2"). The Gripkas plan to purchase the subject property and use it as a floral shop which will be different than the existing plant parlor, which they own located at 21st Street and Utica Avenue. Mr. Moody stated that the use would be compatible with the surrounding uses. The existing structure on the subject property would be retained and remodeled with the exterior of the building kept basically the same.

Mr. Moody advised that there are offices and parking lots immediately north of the subject property and several businesses across the street on Utica. There is a hospital located southeast of the property and a bank located on Utica, between 19th and 21st Streets. The subject property does not abut any residential neighborhood or property that would be impacted by this use. Mr. Moody stated that if the application is approved that it will not set a precedent.

The Planning Commission and Comprehensive Plan recognize this as a unique situation because of its location with reference to Swan Lake. The applicant is requesting a use variance rather than a zoning change because it will permit this Board to impose the condition that the property be developed in accordance with the plans, that it be limited to the plant

Case No. 12202 (continued)

parlor utilization for a floral shop and that it not be a change in the use of the property.

Protestants:

Kevin Landregan, 1363 East 20th Street, president of Swan Lake Homeowners Association, was present stating that he is in opposition to the application because there is nothing unique about the subject property that would not apply to other lots on Utica. In 1977 a specific study was made on the Utica Square area and it was determined that there was a buffer needed between CH and residential districts and Mr. Landregan stated this office area should be used as the buffer to the residential area. The proposed use would not be consistent with the Comprehensive Plan.

Larry Young, 1553 East 19th Street, was present stating that the proposed use is a retail business and there are none in the subject area. If the proposed retail business is approved it would set a precedent in this area. Mr. Young stated that there is nothing unique about the subject property and a hardship has not been noted for the tract.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 2-2-0 (Chappelle, Purser, "aye"; Smith, Victor, "nay"; no "abstentions"; Wait, "absent") to DENY a Variance (Section 610 - Principal Uses Permitted in the Office Districts) to locate a florist shop in an OM District, on the following described property:

Lot 6, Block 2, Swan Park Addition in the City of Tulsa, Oklahoma.

Case No. 12205

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial Districts - Request to operate Use Unit 13, Convenience Goods & Services, and Use Unit 14, Shopping Goods and Services in an IL zoned District; and a Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the setback from the centerline of Southwest Boulevard. This property is located north and east of the NE corner of 45th Street and 34th West Avenue.

Presentation:

Max Tankersley, 4240 South Peoria Avenue, was present and submitted a plat of survey (Exhibit "G-1"). Mr. Tankersley stated that a variance of the setback requirement was requested in order to expand a nonconforming building. The structure was originally constructed approximately 50 years ago. Plans are to remodel and add on to the building. There are no residential properties within a reasonable distance to the subject property.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Industrial Districts) to operate Use Unit 13 - Convenience Goods and Services and Use Unit 14 - Shopping Goods and Services in an IL zoned district; and a Variance (Section 930 - Bulk and Area Requirements in the

Case No. 12205 (continued)

Industrial District) of the setback from the centerline of Southwest Boulevard, per plans submitted on the following described property:

Lots 13-18, Block 31, Yargee Addition in the City of Tulsa, Oklahoma.

Case No. 12206

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the setback from the centerline of 21st Street from 95' to 31' for a canopy and to 51' & 2" for expansion of an existing building. This property is located at the SW corner of 21st Street and Boston Avenue.

Presentation:

Joe Day, 20 East 21st Street, was present representing Akdar Temple Association, Inc., and submitted a drawing of the Akdar Temple (Exhibit "H-1"), and a rendering of the plans for the Temple (Exhibit "H-2"). The applicant plans to reface and remodel the structure which was built 30 years ago. A double entryway is proposed on the front of the building and will extend out about 4½ or 5 feet further than it does presently. The proposed expanded canopy will be built on the 21st Street side of the building where a tremendous amount of water from the rain tends to run off of the building. The T-shape canopy will serve as a protection from various weather conditions.

Chuck Tawater was present stating that the applicant is proposing to remodel and bring the building up-to-date and will landscape the subject property.

Protestants:

Tom Layon, 102 East 22nd Street, was present stating that if the application is approved it will have a tremendous negative impact on the homeowners in the subject area. He stated that the Temple, when completed, will appear very garish and commercial in appearance with a negative impact. He also stated that the application and proposal is not consistent with the spirit and intent of the Zoning Code. He stated that he was also concerned about the height of the proposed onion domes for the existing structure.

Bryan McCracken, 2626 East 21st Street, Suite 8, was present stating that the onion domes on top of the structure and the height limitation was one of his major concerns. He was also concerned about the proposed extension of the canopy and multi-colored canvas to be used.

Elizabeth Cronin, 102 East 22nd Street, was present stating that she agreed with all of the statements of Mr. Layon and Mr. McCracken. She stated that she wanted to protect her rights and the design proposed would be offensive to her personally.

Applicant's Rebuttal:

Mr. Day stated that the onion domes are not illuminated. The middle onion dome will be 13' high and the onion domes on both ends will be 9' in addition to the existing approximate 23-foot structure.

Comments:

Mr. Jackere advised that the proposed canopy is before the Board and not the issue concerning the onion domes.

Discussion ensued concerning the proposed sign and Mr. Jackere advised that the sign would be restricted to 32 square feet for a nonresidential use in a

Case No. 12206 (continued)

residential area. The applicant was unsure on the exact details for the proposed sign.

The Board did not feel that they could approve the application because detailed plans for the proposed construction were not available.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to continue this item to the October 14, 1982 meeting, so that the applicant can present to the Board detailed plans showing the location of the building, the parking and the dimension from the street.

Case No. 12207

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request for a variance to allow a Use Unit 13 (Ballon Bokays) in an RS-3 zoned district. This property is located at 1411 South Yale Avenue.

Presentation:

Delbert Brock, 206 Adams Building, attorney representing the owner of the subject property, Billie Knight, was present and submitted a plat showing the businesses in the area and the subject property (Exhibit "I-1"), and four letters from property owners in the area who support the application (Exhibit "I-2"). The subject property is zoned OL and a business has been located here for two years and the Ballon Bokay service has been operating at this location for one year.

The business is operated from Ms. Knight's home since she has a kidney disease and arthritis. If the application is approved, the applicant proposes to place a decorative fence in the front of the lot on each side to prevent cars from parking in the yard and customers walking in the yards. A triple driveway is also located on the subject property for parking purposes. Mr. Brock stated that 95% of the business is done by telephone.

Billy Puroff, P. O. Box 433, Jenks, Oklahoma, 74037, owner and operator of Bill's Tire Store, located at 15th Street and Yale Avenue, was present in support of the application. He advised that there are other businesses operated out of homes in the subject area.

Protestants:

Nick Schneider, attorney representing Betty McDonald, 1417 South Yale, was present and submitted six (6) photographs of the subject property (Exhibit "I-3"), and a xeroxed page of the 1981 Southwestern Bell phone book advertising Ballon Bokays of Tulsa, including the address and phone number (Exhibit "I-4"). Mr. Schneider stated that there are two vans, a boat and a Volkswagon and two signs on the subject property. He stated that the business presents a nuisance to the neighborhood with many customers coming to the subject property. He stated that many of the customers park in the yard and on the street and even block Mrs. McDonald's driveway. He stated that a hardship had not been shown for this application.

Betty McDonald, 1417 South Yale Avenue, was present stating that customers come to the subject property on Saturdays and Sundays as early as 6:00 a.m. and are at the subject property as late as 9:00 p.m. She requested that

Case No. 12207 (continued)

the application be denied.

Mrs. Ernest Cooper, 1347 South Yale Avenue, was present stating that if the application is approved it would be a safety hazard because customers park in the yard and on the street and if needed, a fire truck would not have access to the subject property. She stated that the business is a hazard and nuisance to the whole area.

Jane Saltzman, 1403 South Yale, was present in protest to the application as it would cause property values to decrease.

Comments:

Mr. Jackere asked how many employees would be employed at this location and Ms. Knight stated that there are three employees and all are family members, but one does not reside at the subject property. Mr. Jackere asked how many vehicles are on the subject property for the business purposes and Ms. Knight stated that there are two delivery vans and one private vehicle, a Volkswagen.

Mr. Victor asked how many customers came to the subject property in a day and Ms. Knight stated that there were never any more than 6 customers a day. She stated that many of the customers come to the residence to pay their bill rather than through the mailing procedure. Mrs. Purser asked the hours of operation and Ms. Knight stated that the business operates from 8:00 a.m. to 6:00 p.m., five days a week on and until noon on Saturdays. Mrs. Purser asked if the customers could mail their checks rather than coming to the subject property and Ms. Knight answered in the affirmative.

The Board asked Ms. Knight if she was familiar with the home occupation regulations and Mrs. Purser proceeded to explain the rules. Discussion ensued as to whether the application was for a home occupation, or if a zoning change would be required. The Board decided that a trial home occupation operation for a period of 90 days, from the filing date, might be appropriate.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to continue this item to November 18, 1982, to permit the applicant to proceed to conform with the home occupation restrictions including all the foot traffic to cease and that the applicant operate under a delivery system only, that checks to the applicant be sent rather than brought to the subject property, that the delivery vans be moved from the subject property to a properly zoned lot and not park on the subject property and that no sign be permitted.

Case No. 12208

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of Evanston Avenue from 60' to 48'. This property is located at 6786 South Evanston Avenue.

Presentation:

Raymond Briggs, 6786 South Evanston Avenue, was present and submitted a plot plan (Exhibit "J-1"). Mr. Briggs stated that he is requesting a

Case No. 12208 (continued)

side yard variance to add a garage to his house. His garage will be approximately 48' from the centerline of Evanston Avenue.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Smith, Victor, "aye"; no "nays"; Purser, "abstaining"; Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of Evanston Avenue from 60' to 48', per plot plan, on the following described property:

Lot 3, Block 2, Braniff Hills, an Addition to the County of Tulsa, State of Oklahoma, according to the recorded plat thereof, except that portion of said Lot 3 described as follows, to wit: Commencing at a point made by the junction of Lots 2, 3, & 4 of said Block 2; thence in a Southwesterly direction along the Northwesterly lines of said Lot 3 for a distance of 175'; thence in a Southeasterly direction along the Northwesterly line of said Lot 3 for a distance of 175'; thence in a Southeasterly direction along the Southwesterly line of said Lot 3 for a distance of 170'; thence in a Northeasterly direction for a distance of 218.05' to a point on the Northeasterly line of said Lot 3, which point is 122.33' Southeasterly along the Northeasterly line of said Lot 3, from the point of beginning; thence along the Northeasterly line of said Lot 3 a distance of 122.93' to the point of beginning.

Case No. 12209

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial Districts - Request to allow Use Units 12, 13 & 14 in an IL District. This property is located at the NE corner of 55th Place and Mingo Road.

Presentation:

The developer of the subject property, Vernon Mudd, 5110 South Delaware Place, was present stating that east of the subject tract is an industrial zoned area, to the north is a lumber yard and to the south is the same type of use, which is proposed on the subject tract. The applicant is requesting the addition of three Use Units (12, 13 & 14) for the subject property, which will be developed into a one-story structure for an office/retail type of business. They are requesting permission to have retail services such as a drapery business, mini-blinds, a carpet shop, or office machine sales and repairs.

Protestants: None.

Board Comments:

Mr. Victor asked if a site plan had been submitted and Mr. Mudd stated that the plans have been drawn, but were not brought to the meeting. Mr. Smith inquired as to the exterior of the proposed structure and Mr. Mudd stated that it will have a glass front with glass set in the metal frames and the trim will be of stone. Mr. Mudd stated that the applicant meets the parking requirements and 8 to 10 planters will be placed within the parking strip. The applicant has complied with all of the building setbacks, height limitations and sign limitations.

Case No. 12209 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Industrial Districts) to allow Use Units 12, 13, and 14 in an IL District, on the following described property:

Lot 3, Block 5A, Tulsa Southeast Industrial District in the City of Tulsa, Oklahoma.

Case No. 12210

Action Requested:

Variance - Section 710 - Principal Uses Permitted in the Commercial District - Request to locate a mobile home in a CS District and utilize it as an office and residence. This property is located at 4433 North Peoria Avenue.

Presentation:

LaRue Carlson, 4433 North Peoria Avenue, was present and submitted a plat (Exhibit "K-1") and a petition in support of the application signed by four (4) businessmen in the subject area (Exhibit "K-2"). Mr. Carlson, owner and operator of the North Tulsa Garden Center, requested that a mobile home be placed on the subject property to be used as an office and his residence and it would be placed in back of the existing building. The mobile home will be landscaped and will serve as a display for his customers. The mobile home will serve as security for the businesses in the area because of crime such as theft and vandalism in the subject area.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 710 - Principal Uses Permitted in the Commercial District) to locate a mobile home for security purposes in a CS District and utilize it as an office and residence, on the following described property:

The North 300' of the South 400' of the North 555' of the South 772.5' of the East 190' of the West 240' of the West 14.86 acres of Lot 1, Section 18, Township 20 North, Range 13 East in Tulsa County, Oklahoma, and the North 155' of the North 555' of the South 772.5' of the East 190' of the West 240' of the West 14.86 acres of Lot 1, Section 18, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

Case No. 12211

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to sell motor homes, travel trailers, 5th wheel trailers (Use Unit 17) in a CS District. This property is located at the NW corner of 21st Street and 101st East Avenue.

Presentation:

Charles Ford, 4100 East 51st Street, was present representing Dennis Dean, who wants to continue his business at Dean Camper Service located at 6110 East 11th Street. The applicant proposes to purchase the subject property

Case No. 12211 (continued)

for the purpose of creating a second lot for sales and maintenance services of motor homes, travel trailers and 5th wheel trailers. Mr. Ford stated that the application falls under the Use Unit 17, but all of those services included in that unit will not be exercised. The maintenance service includes a full service unit which allows customers to come in for refurbishing of the units and provides services for plumbing, air conditioning, electric and power...for the units.

Protestants: None.

Board Comments:

Mr. Smith asked if any outside storage would be placed on the subject property and Mr. Ford stated that there would be no outside storage other than the units for the purpose of display. Mr. Smith also asked if any mobile homes would be sold at this location and Mr. Ford answered no.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to sell motor homes, travel trailers, 5th wheel trailers, plus accessories and services thereof, and not to include any other items under Use Unit 17, and that no outside storage be permitted and no mobile home sales be allowed, on the following described property:

Lots 1 & 2, Block 2, Magic Circle South Addition, LESS the West 447.79' thereof, in the County of Tulsa, Oklahoma.

Case No. 12212

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 84th East Avenue from 50' to 38'. This property is located at 5658 South 84th East Avenue.

Presentation:

Paul Sallee, 3812 South 120th East Avenue, was present representing the property owner, Marvin McDonald, and submitted a plot plan and floor plan (Exhibit "L-1"), a copy of the protective covenants for the subject area (Exhibit "L-2"), and four (4) photographs of the subject area (Exhibit "L-3").

Mr. Sallee stated that Mr. McDonald is proposing to construct a carport in front of the existing residence to park his vehicles under as he has already enclosed his garage and added a bathroom to the existing residence. The proposed carport will match the existing residence and will be constructed of plywood and trimed in cedar. One of the photographs which was submitted shows a carport within 2 blocks west of the subject property. On the north end of the carport the applicant plans to add a 5' x 12' storage closet, which will extend into the setback line. Mr. Sallee also submitted a letter (Exhibit "L-4") from Robert Kaiser, 5664 South 84th East Avenue, and Paul Suttle, 5652 South 84th East Avenue, who support the application.

The front line of the carport will be 25' from the curb and the applicant is asking a variance of 12' of the required 50' setback from the centerline of 81st Street.

Case No. 12212 (continued)

Marvin McDonald, 5658 South 84th East Avenue, was present stating that the proposed addition will be compatible with the existing residence and requested that the application be approved.

Protestants:

Colonel F. Cox, 5652 South 84th East Avenue, president of Woodland View Park I Homeowner's Association, was present and submitted a protest petition containing approximately 35 signatures (Exhibit "L-5"). He stated that he was opposed to the setback variance and stated that if the carport was approved it would set a precedent for that area.

Board Comments:

Mr. Victor asked how far the proposed storage closet was from the north property line and Mr. Sallee stated that it would be 10' from the north property line.

Mr. Smith asked Mr. McDonald if he had talked to the neighbors on both sides of the subject property about the proposed structure and Mr. McDonald answered in the affirmative and stated that the letter which was submitted earlier was signed by both of them.

VICTOR made a MOTION for denial, but due to the lack of a second the motion died.

Mrs. Purser suggested that the case be continued to give the applicant opportunity to visit with his neighbors about the carport and get their approval and support.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to continue this item to the October 14, 1982 meeting.

Case No. 12213

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial District - Request to construct a community service center to include residence for transients, worship and other social services. This property is located from Denver to Elwood and from Archer and Brady Streets.

Presentation:

Richard Cleverdon, 202 West 8th Street, was present and submitted a site plan (Exhibit "M-1"). Mr. Cleverdon, who is applying for the request in behalf of the Salvation Army who owns the subject property, stated that the proposed 2-story building will be approximately 33,800 square feet. The purpose of the application is to provide housing for individuals on a temporary basis including a dormitory for men, dormitory for women, and 10 family units. It would also include space for the personnel dealing with this facility who would be the only employees present. The lower portion of the structure would be used for religious services, which would also include a citadel and office for the Tulsa Area Salvation Army. Presently, the temporary housing will house 60 individuals and the proposed total capacity would be 202. McCune Partners, Inc., will be the engineers for the proposed structure.

Bill Idom, 5110 South Yale Avenue, a representative of McCune Partners, Inc., was present stating that the proposed structure is a single structure located

Case No. 12213

in the center of the subject property to minimize the amount of green area. He stated that the utilities for the building are being relocated on the subject property. The structure will be constructed of brick and glass.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Industrial District) to construct a community service center to include residence for transients, worship and other social services, per plans submitted, on the following described property:

Lots 1-6 inclusive, Block 37, Original Townsite of Tulsa, Tulsa County, Oklahoma.

Case No. 12214

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to locate a mobile home in an RS-1 District. This property is located at 18101 East Admiral Place.

Presentation:

Paul Bivins, 18101 East Admiral Place, was present and requested permission to place a mobile home on the 3 1/2 acre tract in question. The mobile home has already been placed on the property so that the elderly couple who will reside in the mobile home could find a place to park the trailer. All of the mobile home parks in this area are full, therefore, Mr. Bivins requested that the mobile home be permitted on the subject tract for the elderly couple to reside in. The mobile home will be surrounded by trees and cannot be readily seen from the road. Mr. Bivins has talked to the immediate neighbors and they have no objection to the request.

Protestants: None.

Board Comments:

Mr. Smith asked if a septic system was on the subject property and Mr. Bivins stated that he would put a new septic tank and system on the property if approved by this Board.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to locate a mobile home in an RS-1 District, for a period of one year, per Health Department approval, removal bond required, on the following described property:

A tract of land in Lot three (3), Section 1, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows: Beginning at a point on the West line of Lot 3, 40.0' North of the Southwest corner of Lot 3; thence East along the line parallel to the South line of Lot 3, 40.0' equal distance North of the South line of Lot 3, a distance of 247.2'; thence North a distance

Case No. 12214 (continued)

of approximately 558' to a point on the South property line of Skelly Drive, said point being 100.2' South of the North line of Lot 3; thence West along the South property line of Skelly Drive a distance of 247.2' to a point on the West line of Lot 3, 100.4' South of the Northwest corner of Lot 3; thence South along the West line of Lot 3, a distance of 557.0' to the point of beginning.

Case No. 12215

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the rear yard setback from 20' to 16'. This property is located at 4009-4011 South 131st East Avenue.

Presentation:

Carol Cowan was present representing Lynda Vantine and Lynn Richards, Ltd., P. O. Box 45110, and submitted a plot plan (Exhibit "N-1"). The applicant is requesting a variance of the rear yard setback from 20' to 16' to build the proposed duplex. Ms. Cowan stated that the duplex will be very similar to the duplexes on either side of the proposed duplex. The duplexes on each side of the subject property were approved by this Board on January 10, 1980.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the rear yard setback from 20' to 16', per plot plan submitted, on the following described property:

Lot 25, Block 10, Park Plaza East III Addition in Tulsa County, Okla.

Case No. 12216

Action Requested:

Variance - Section 280 - Major Street Plan - Request for a variance of the setback requirement from the centerline of 31st Street to 29.5'. This property is located at 1237 East 31st Court.

Presentation:

Ron Sandschaper was present representing Milton Sherman and D and Z Remodeling, 3409 South Peoria Avenue, and submitted a rough sketch of the plan (Exhibit "O-1") and a photograph of the subject property (Exhibit "O-2"). Mr. Sherman intends to construct a storage building on the subject property because a tree fell on his previous building. He has torn the demolished storage building down and plans to enlarge the new one. He stated that the new building will be no closer to 31st Street than the previous building was. Mr. Sherman has agreed to sign a removal contract if required.

Protestants: None.

Comments:

Mr. Gardner asked where the access would be from the subject tract and Mr. Sandschaper stated that there would be access from 31st Court.

Case No. 12216 (continued)

Mrs. Purser asked how big the proposed building is and Mr. Sandschaper stated that it would be 9' x 20' and would be used for storage of personal goods and would not be used as a business or for living quarters.

Discussion ensued concerning the removal contract. Mr. Jackere advised that the building is 3' from the property line and is still in the Major Street Plan. A removal contract will be required because that street might be widened.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback requirement from the centerline of 31st Street to 29.5', to be used by the applicant as stated, with the provision that the owner sign the removal contract, on the following described property:

Lot 3, Block 1, Westview Addition in the City of Tulsa, Oklahoma.

Case No. 12217

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Residential District - Request to locate a mobile home in an RS-3 District; and a Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Request for a variance from one year time limit to 5 years. This property is located at 1319 West 39th Street.

Presentation:

Roy Mowery was present representing Good Neighbors Real Estate, Elanor Stephans and Claudia Abercombie. Mr. Taylor, who has purchased the subject property from Ms. Abercombie, intends to place a mobile home on the tract. Mr. Taylor has not been able to find a place to park the mobile home inside the Tulsa City Limits and this would create a hardship for his family and his job is he were to move from the City Limits. There are many mobile homes in the subject area. The subject lot is 70' x 330' with the proposed mobile home being 12' x 56'. Mr. Mowery stated that the placement of the mobile home on the subject tract would not be a detriment to the area.

Protestants:

Jeffery Sandholm, 1325 West 39th Street, was present and stated that he represented two other individuals in the neighborhood who were present for a portion of the meeting, but were not able to stay the full time. He stated that they oppose the placement of the mobile home on the subject tract because it would decrease property values in that area. He also stated that most of the property owners in that area are in objection to the request.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Purser, Smith, "aye"; no "nays"; Victor, "abstaining"; Wait, "absent") to DENY a Special Exception (Section 910 - Principal Uses Permitted in the Residential District) to locate a mobile home in an RS-3 District; and a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements)

Case No. 12217 (continued)

from one year time limit to 5 years, on the following described property:

The East 70' of Lot 20, Block 4, Interurban Addition in Tulsa County, Oklahoma.

Case No. 12218

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the front setback to 8 feet from the property line; and a Variance - Section 1205 - Use Conditions - Request for a variance of the required parking spaces; and a Variance - Section 1450 - Structural Nonconformities - Request to expand a nonconforming use. This property is located north of the NE corner of Peoria Avenue and Virgin Avenue.

Presentation:

Mr. Smith advised that the Board has received a letter from Goodwin & Goodwin & Cole, attorney and counselors, who requested that the case be continued to the next meeting due to a death in the Goodwin family (Exhibit "P-1").

The attorney representing the applicant was present and requested that the case be heard at this meeting because it would present a hardship for the applicant if it was delayed for another month. Mr. Jackere advised that the next meeting would take place in two weeks rather than in one month.

Protestants: none.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the October 14, 1982 meeting.

There being no further business, the Chair adjourned the meeting at 5:50 p.m.

Date Approved

Oct. 28, 1982


Chairman