

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 376
Thursday, December 2, 1982
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Smith Victor Wait	Purser	Gardner Jones Martin	Jackere, Legal Dept. Miller, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, November 30, 1982, at 9:43 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 WAIT, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the Minutes of October 28, 1982 (No. 374).

UNFINISHED BUSINESS:

Case No. 12218

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow church use in an RM-1 District; and a Variance - Section 1205.3 - Use Conditions - Request for a variance of the one-acre lot minimum; and a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the front setback to 8 feet; and a Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request for a variance to allow off-street parking in an RM-1 District; and a Variance - Section 1205.4 - Off-Street Parking and Loading Requirements - Request for a variance of the required number of parking spaces. This property is located at 5015, 5119, and 5121 East Virgin Street.

Presentation:

Ray Froggee, 11 East Broadway, Sand Springs, Oklahoma, 74063, was present representing Obedient Baptist Church and submitted a letter from Faye Watson granting permission for the Church to park on Lots 3, 4, & 5, of Woodrow Park Addition (Exhibit "A-1"). Mrs. Watson owns the three lots proposed for parking.

The proposed expansion of the church building will add approximately 1,800 sq. ft. of sanctuary area, providing one parking space for every 40 sq. ft., which will provide 45 parking spaces for the new facility. The proposed expansion will be of masonry construction.

Case No. 12218 (continued)

Mr. Gardner advised that this case was continued at the previous meeting so that the applicant could provide an agreement or contract concerning the proposed parking to the north.

Protestants:

Connie Thierry, 2110 North Quaker Avenue, was present and resubmitted five (5) photographs of the subject property (Exhibit "E-3"). Mr. Thierry advised that the expansion would be a hinderance. He advised that the only access to the subject property is from the south.

Grady Barrens, 2141 North Peoria Avenue, was present stating that Lot 2 is also proposed for parking, which he owns. He stated that he opposed the allowing of his lot to be used for parking purposes. He also advised that the Church has used his driveway without his permission and has damaged his yard.

Reynolds Hayes, 2126 North Peoria Avenue, was present stating that she was opposed to the application because the Church members use her driveway for access to the building, also.

Comments:

It was determined that Lot 2, which Mr. Barrens referred to, was not included in the advertisement and is therefore, not properly before the Board. Mr. Froggee advised that Lot 2 is not a part of the application.

The Board also expressed a concern about the letter from Mrs. Watson. Alan Jackere, Legal Council, advised that the letter was not a definite agreement and that Mrs. Watson could revoke her agreement at any time. There needs to be more of a long term binding obligation to lease the property for parking.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow Church use in an RM-1 District; and a Variance (Section 1205.3 - Use Conditions) of the one-acre lot minimum; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the front setback to 8'; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts) to allow off-street parking in an RM-1 District; and a Variance (Section 1205.4 - Off-Street Parking and Loading Requirements) of the required number of parking spaces, on the following described property:

Lots 3, 4, 5, 6, & 7, Block 4, Woodrow Park Addition, Tulsa County, Oklahoma, being a subdivision of part of Lot 2, Section 30, Township 20 North, Range 13 East, in City of Tulsa.

Case No. 12271

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Commercial Districts - Request to allow mobile home sales in a CS District. This property is located at 9715 East 11th Street.

Presentation:

Ricky Jones advised the Board that a letter from James Hinds was submitted requesting a continuance of this case (Exhibit "B-1").

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 continue this item to the December 16, 1982 meeting.

Case No. 12280

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow office use in an RM-2 District. This property is located at 1820 South Cincinnati Ave.

Presentation:

Robert Fry was present representing H. A. Winders, 5719 East 36th Street, and submitted eight (8) photographs of the subject property and the surrounding area (Exhibit "C-1"), and a floor plan (Exhibit "C-2"). Mr. Fry advised that there are two business buildings immediately north of the property; a dental lab and Central Graphics. The submitted photographs also depict a common driveway separating the subject property and the building to the north. Mr. Fry advised that the parking for the office use would be located to the rear of the structure.

Protestants: None.

Board Comments and Questions:

Mr. Victor inquired about the proposed parking and Mr. Fry advised that the parking would be an asphalt hardsurfaced parking area with access to the parking area through the alley. Mr. Victor asked if the driveway or alleyway is a part of the subject property and Mr. Fry answered in the affirmative.

Mr. Smith asked if the exterior of the structure would remain the same and Mr. Fry advised that the applicant may enclose the front porch area. Mrs. Miller advised that if the applicant encloses the front porch he will have to comply with the required setbacks from Cincinnati Avenue.

Mr. Victor inquired as to any proposed signs and Mr. Fry advised that a professional sign (not a neon sign) would be placed on the front door.

Case No. 12280 (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 410 - Principal Uses Permitted in the Residential Districts) to allow office use in an RM-2 District on the following described property:

The North 45' of the South 100' of Lots 11, 12 and 13, Block 3, Southside Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12291

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline of 37th Place from 50' to 32'. This property is located at 608 West 37th Place.

Presentation:

Ricky Geist, 19 Oak Grove Road, Broken Arrow, Oklahoma, 74012, was present representing Ann Gullette and submitted a plot plan (Exhibit "D-1"). Mr. Geist advised that the existing residence is located 41' from the centerline of the street. The applicant is requesting permission to place a 9' porch on the front of the house making the addition extend to 32' from the centerline of the street. Mr. Geist advised that the other houses on 37th Place are located approximately 28' to 31' from the centerline.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of 37th Place from 50' to 32', per plot plan, on the following described property:

Lot 6, Block 3, Garden City Addition to the City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12310

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the frontage requirements in order to permit a lot-split.

Presentation:

Kenneth Miles, 201 West 5th Street, was present representing the owner, Hines/Tulsa Industrial, Ltd., and submitted a subdivision plat and mutual access easements through tract one (Exhibit "E-1"). Mr. Miles advised that the Board previously granted a lot-split on a portion of

Case No. 12310 (continued)

the subject tract. The applicant is requesting permission to split Lot 2 into four parcels of land. The Planning Commission approved the request contingent upon the Board's approval of this application.

Protestants: None.

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 Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the frontage requirements in order to permit a lot-split, on the following described property:

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:

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. 12318

Action Requested:

Variance - Section 280 - Structure Setback From Abutting Streets - Request for a variance of the Major Street Plan setback from 50' to 46' for gas pump canopies. This property is located at 1115 East 61st Street.

Presentation:

W. O. Smith, 7213 South Memorial Drive, was present and submitted a photograph of the subject property (Exhibit "F-1"). The property was previously used as a Fina service station and later the applicant acquired the property east of the subject property where he constructed a Git & Go convenience store. The existing canopy was already existing prior to the construction of the convenience store. The variance is requested so the canopy can be extended to the east, but extending no closer to the street.

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";
12.2.82:376(5)

Case No. 12318 (continued)

Purser, "absent") to approve a Variance (Section 280 - Structure Setback From Abutting Streets) of the Major Street Plan setback from 50' to 46' for gas pump canopies, subject to the execution of the removal contract with the City of Tulsa, on the following described property:

Lots 13 & 14, Block 7, Broadview Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 12300

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential District - Request to establish off-street parking to adjoin off-street parking on the lot north, with entrance being from North lot on 33rd Street for employees of Brookside State Bank. This property is located at 1327 East 34th Street.

Presentation:

Charles March, attorney, was present representing Brookside State Bank, 4510 East 31st Street, and submitted 10 photographs of the subject property (Exhibit "G-1"). The bank has a parking lot provided for its employees with the entrance on 33rd Street. The intention is to expand the parking lot to 34th Street with no entrance or exit on 34th Street. The submitted photographs indicate the existing parking lot provided for the bank employees and random parking to the west of the subject property.

Protestants: None.

Discussion:

Discussion ensued concerning screening to be provided for the parking area. Mr. March advised that the fence would be a decorative brick fence and would match the existing fence. The lights on the parking lot will be low and will not shine on other properties.

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 410 - Principal Uses Permitted in the Residential District) to establish off-street parking to adjoin off-street parking on the lot north, with entrance being from north lot on 33rd Street for employees of Brookside State Bank, subject to no access to 34th Street and that the decorative wall fence be constructed along the south and up the east property lines to match the existing masonry wall, on the following described property:

Lot 11, Block 1, Oliver Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12302

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record- Request to allow more than one dwelling on one lot of record. This property is located at 1530½ North Xanthus Avenue.

Presentation:

Chester Palmer, 536 East 65th Place North, was present and submitted a letter from Public Service Company of Oklahoma confirming the electrical service to this address (Exhibit "H-1"). The letter indicates that there has been electrical service provided for the garage apartment since 1965.

Presently on the property is a duplex and a garage apartment, which is being remodeled. Mr. Palmer intends to provide two living quarters in the garage apartment, one above and one below. He advised that it would be an asset to the neighborhood. If the garage apartment would not be approved for two dwelling units, Mr. Palmer requested permission to enclose the outside stairway making a single-family unit.

Protestants: None.

Comments:

Discussion ensued concerning the use of the property and Mr. Gardner advised that the subject tract is zoned under the single-family zoning classification. The Board could approve a total of three (3) dwelling units if the applicant could prove that they have a nonconforming use. However, a total of four (4) dwelling units would not be appropriate for this area.

Mr. Smith advised that the applicant has failed to show a hardship.

Mrs. Miller advised that the applicant has an application for a building permit to add a fourth dwelling on the property and to remodel it, but the application has been denied.

Mr. Jackere advised that if the fourth unit is approved, the Board would be setting a precedent in the subject area. If the Board denies the application, the applicant would be permitted the three dwelling units if he can prove a nonconforming use of the garage apartment to the Building Inspector.

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 more than one dwelling on one lot of record, on the following described property:

The North 55' of Lot 10, Block 3, Kinlock Park Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12303

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from the centerline.

Case No. 12303 (continued)

of Union Avenue from 85' to 75', and a variance of the required 25' setback from the abutting R District, and a variance of the setback of the south and east from 25' to 15'. This property is located at the SE corner of 47th Street and Union Avenue.

Presentation:

Henry Penix, 4145 South Rockford Place, was present representing the God Alive Tabernacle and submitted a plot plan (Exhibit "I-1"), a floor plan (Exhibit "I-2"), and a drawing depicting the completed structure (Exhibit "I-3"). Mr. Penix advised that the Board previously approved the use for a church building and day care facility, subject to the applicant submitting a plot plan. The use was approved approximately a year and a half ago and construction has not yet begun. The additional variance has also been requested by the applicant. Mr. Penix advised that the parking has been changed to meet their parking needs.

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 Union Avenue from 85' to 75', a variance of the required 25' setback from the abutting R District, and a variance of the setback of the south and east from 25' to 15', per plot plan submitted, on the following described property:

The West 125' of Lots 16 and 17, Block 3, Suburban Highlands Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12304

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to expand existing church and parking lot. This property is located at 2111 South Darlington Avenue.

Presentation:

E. W. Pruitt, 2111 South Darlington Avenue, was present representing the Berean Baptist Church, and submitted a copy of the site plan (Exhibit "J-1"), and a plot plan (Exhibit "J-2"). The Church intends to expand their existing church facility by adding a new education building to be used for classroom space and plans to expand the parking lot area.

Protestants: None.

Comments:

Discussion ensued concerning the parking area and the conformity of the existing building. Mr. Pruitt advised that the main entrance is on the west side and parking on the west side has been in place since 1955. Mrs. Miller, Protective Inspections, advised that the Church has nonconforming parking lot use on the west. She stated that there was not a parking requirement until 1970. The applicant is not required to provide parking for classroom space because the Zoning Code

Case No. 12304 (continued)

only requires parking space for chapel or sanctuary area.

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 expand the existing church and parking lot, per plans submitted, excepting that portion showing future expansion, on the following described property:

The following constitutes the tract or tracts of land all located in the NE/4 of the NW/4 of Section 15, Township 19 North, Range 13 East, in the City of Tulsa, Tulsa County, Oklahoma, more specifically described as follows:

TRACT A:

Beginning at the NW corner of the NE/4 of the NW/4; thence 15' East and 45' South to a point; thence South 285'; thence East 265'; thence North 285'; thence West 265' to the point of beginning; and

TRACT B:

Beginning at a point 50' South and 264.80' East of the NW corner in the NE/4 of the NW/4; thence due East a distance of 178.66'; thence due South a distance of 280.0'; thence due West a distance of 180.0'; thence North 0°-14" East a distance of 280.0' to the point of beginning; and

TRACT C:

Lots 6, 7, 8, 9, and 10, Block 2, Darlington Hills Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

General Description Relationship:

TRACT B abuts TRACT A on the East;
TRACT C abuts TRACTS A & B on the South,
forming an approximate rectangular area of the property.

Case No. 12305

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to continue to leave the mobile home on the subject tract; and a Variance - Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Request for a variance to permit the mobile home as a permanent structure. This property is located at 5138 East Woodrow Street.

Presentation:

Margaret Castleberry, 5138 East Woodrow Street, was present requesting permission to permit the existing mobile to remain on the subject property. Ms. Castleberry advised that she has been before the Board on three other occasions and the Board granted a one year time frame on each instance.

Protestants: None.

Case No. 12305 (continued)

Comments:

Mr. Smith asked if there are other mobile homes in the area and the applicant answered in the affirmative.

Mr. Gardner advised that there is a house and the mobile home on the subject property, and the Board previously requested that both residences not be lived in at the same time. Ms. Castleberry advised that the house was not conducive to reside in and the mobile home would be the only dwelling to be lived in.

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) to continue to leave the mobile home on the subject tract; and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements) to permit the mobile home for a period of five years, on the following described property:

The East 430' of the S/2 of Lot 11 and the North 77.5' of the East 430' of Lot 12, Block 1, S. R. Lewis Addition to the City and County of Tulsa, Oklahoma.

Case No. 12307

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request for office use in an RM-1 District; and a Special Exception - Section 630 - Bulk and Area Requirements in the Office Districts - Request for a variance of the 25% floor area ratio to 35%. This property is located south of the SE corner of 33rd Street and Yale Avenue.

Presentation:

Gary VanFossen, Suite 408, 7030 South Yale, was present representing himself and Frank Moskowitz, who will be the joint owners of the proposed project. Mr. VanFossen submitted a data sheet indicating detailed information of the site (Exhibit "K-1"), a plot plan (Exhibit "K-2"), and an elevation plan (Exhibit "K-3").

The proposed building will be used for office use, will contain no more than 11,600 square feet and will be a one-story structure. Mr. VanFossen explained the information contained on the data sheet including the size of the site, building size, green area, parking, fencing, sign and building usage.

Protestants: None.

Interested Parties:

Helen McMann, 3336 South Allegheny Avenue, was present representing 100% of the residents of the 3300 Block of South Allegheny. She began her presentation by thanking the applicants for their kindness and

Case No. 12307 (continued)

courtesy in meeting with the neighborhood and explaining in detail the plans of the project. She advised that the structure will enhance the surrounding area.

Richard King, 3366 South Allegheny Avenue, was present representing the property owners that bound on the north and south of the subject property. He advised that the property owners endorse the proposal and feel that it will be an asset to the area.

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 office use in an RM-1 District; and a Special Exception (Section 630 - Bulk and Area Requirements in the Office Districts) of the 25% floor area ratio to 35%, per drawings submitted and standards submitted, on the following described property:

Lots 15-17, Block 3, Resub. of Yorkshire Estates Addition to the City of Tulsa, Tulsa County, Oklahoma.

DATA SHEET

Site - 225' on Yale by 150' deep - 33,750 square feet

Building - 11,600 square feet maximum (34.4% coverage)

- One story maximum
- Exterior walls (area of glass not included) shall be constructed of not less than 40% brick, stone, or stucco.
- Roof shall be heavy composition shingles, wood shingles, clay tile shingles, or cement shingles.

Green Area - 6,050 square feet minimum, including patios and entrance walks.

- Landscaping shall include solid sod ground cover and variety of plants and trees.

Parking - 46 spaces minimum, including 2 handicapped.

Fencing - Perimeter fencing of 6-foot high wood on entire east property line, on north property line and south property line from front of building to east property line.

Sign - Brick or stone pylon with letters applied to faces of pylon at one location near south entrance - maximum height of pylon shall be 6'.

Building Usage - General or medical office, or otherwise as permitted within OL zoning.

Case No. 12308

Action Requested:

Special Exception - Section 240.2 (h) - Permitted Yard Obstructions - Request to locate a carport in a front yard. This property is located at 1544 East 54th Street.

Presentation:

Mrs. Robert Riddle, 1544 East 54th Street, was present and submitted a plat of survey (Exhibit "L-1"), an elevation rendering (Exhibit "L-2"), and a petition in support of the application signed by approximately 13 property owners (Exhibit "L-3").

Mrs. Riddle requested permission to locate a carport in her front yard. Mrs. Riddle advised that the house does not have a garage, as the previous property owners enclosed the garage adding to the house. The proposed carport would be constructed as a two car carport, approximately 22' wide.

Protestants: None.

Comments:

Mr. Smith asked if there are other carports in the area and Mrs. Riddle answered in the affirmative.

Discussion ensued concerning the location of the carport in relation to the centerline of the street.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 240.2 (h) - Permitted Yard Obstruction) to locate a carport in a front yard, on the following described property:

Lot 9, Block 12, of Blocks 9, 10, 11 and 12, Lecrone's Lazy L Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12309

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the rear setback from 10' to 6' and, a variance of the side yard requirement from 10' to 3' in order to expand the existing residence. This property is located at 1304 South Houston Avenue.

Presentation:

Bob Bianchi, was present representing Dr. Roy Guthrie and his son, Mike, 1304 South Houston Avenue, and submitted a site plan and floor plan (Exhibit "M-1"). The Guthrie's are requesting permission to develop an addition to the existing house. Mr. Bianchi advised that the proposed deck might be revised and eliminated from the plans. The side yard setback request is from 10' to 7' and 5" and the rear yard is the same as requested above. The addition will be no further from the centerline of the street than the existing building.

Protestants: None.

Case No. 12309 (continued)

Comments:

Mr. Victor inquired as to the exterior of the addition and Mr. Bianchi advised that it will be masonry construction and wood finish of rough wood cedar material. He stated that it will match the existing structure.

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 Residential Districts) of the rear setback from 10' to 6' and, a variance of the side yard requirement from 10' to 3' in order to expand the existing residence, per plans submitted, on the following described property:

Lot 1 and the N/2 of Lot 2 of subdivision of Block 10 of resubdivision of Block 1, 9, 10, and 14, of Norville Park Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12311

Action Requested:

Special Exception - Section 1680.1 (g) - Special Exceptions - Request for off-street parking on a tract in an RS-3 District abutting a Commercial District; and a Special Exception - Section 250.2 - Modification of the Screening Wall or Fence Requirements - Request for a waiver of the screening criteria for the north boundary of the off-street parking location to allow for a fan fence or shrubbery, in lieu of a screening wall or fence on the north boundary of the property. This property is located at 4143 South Peoria Avenue.

Presentation:

Kenneth Miles, 201 West 5th Street, Suite 400, was present representing Tulsa Syarb, Inc. He submitted a letter in support of the application from Bailey Nicholas (Exhibit "N-1"). Mr. Miles advised that the owners anticipate that the parking problem which is experienced in the South Peoria area will be alleviated if the special exception is approved. It is the opinion of the lot owners that this lot will serve the community by taking some of the street parking off the streets.

The fence along the north boundary of the RS zoned lot currently has a chained link fence and is required to be screened. There is a sewer line that serves that area 5' north of the subject lot and accessible most readily through that lot. Because development is taking place immediately north of it, at least temporarily, there be a waiver of this fencing requirement to allow for accessing that sewer by the appropriate utilities and development of the lot north by allowing access through this temporarily screened location. A screening fence or shrubbery is proposed.

Staff Comments:

Mr. Gardner advised that the case was previously heard by the Board and was denied with a 2-1-1 vote. The applicant now has a letter of support from an abutting property owner recommending that the application as currently proposed, be approved. The Staff at the previous hearing stated that there should be no access to 42nd Street and the

Case No. 12311 (continued)

applicant had agreed to that condition. They also agreed that the southern and eastern boundaries of the subject property be screened, which would prohibit access. The Staff feels that those conditions are still applicable on the residential portion.

Applicant's Rebuttal:

Mr. Miles advised that the new drawings indicate screening fences bordering on the east property line and along the east 55' of the southern boundary, thereby, allowing no access. The screening fence on the north is the screening fence which is being requested to be waived for a period of time consistent with the development of the lot north of the subject property.

Board Comments:

Mr. Victor read the letter from the north property owner. Mr. Victor stated that he would be supportive of a temporary waiver of the screening on the north.

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 Special Exception (Section 1680.1 (g)-Special Exceptions) for off-street parking on a tract in an RS-3 District abutting a Commercial District; and a Special Exception (Section 250.2 - Modification of the Screening Wall or Fence Requirements) for a temporary waiver of the screening criteria for the north boundary of the off-street parking location to allow for fan fence or shrubbery, in lieu of a screening wall or fence on the north boundary of the property for a period of one year, and that no access to 42nd Street be permitted, and that the screening fence on the south and east boundary line be erected on the property immediately, on the following described property:

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, to wit:

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.

Case No. 12312

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow for Church use in an RM-1 District; and a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance from the setback from centerline of Frankfort Avenue from 55' to 40' & 4½" and, a variance of the setback

Case No. 12312 (continued)

from abutting property zoned RM-1 from 25' to 4' & 3½" and, a Variance - Section 1205.3 - Use Conditions - Request for a variance of the one acre minimum for Church use in an RM zoning District. This property is located at 507 East King Street.

Presentation:

Cecil Stanfield, 1424 South Utica Avenue, was present representing Paradise Baptist Church and submitted a plot plan (Exhibit "O-1"). Mr. Stanfield advised that the church building has been at its present location since 1957. Mr. Stanfield advised that a variance is being sought for an addition (fellowship hall) that will be placed on the north portion of the existing church building. Also a variance is being sought from the centerline of Frankfort Avenue from 55' to 40' to the new building, which conforms to the present structure. The parking area to the south and to the east has been in place for over 10 years and has been paved and marked.

Protestants: None.

Interested Party:

Gladys Sanders, 1419 North Main Street, was present stating that her father owned the property at 535 East King Street and had no objection to the proposal.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board vot-d 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 allow for Church use in an RM-1 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) from the setback from the centerline of Frankfort Avenue from 55' to 40' & 4½"; and of the setback from abutting property zoned RM-1 from 25' to 4' & 3¼"; and a Variance (Section 1205.3 - Use Conditions) of the one acre minimum for Church use in an RM zoning, per plot plan and as advertised, on the following described property:

Lots 22-36, Block 2; and Lots 29-34, Block 3, Gurley Hill Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12313

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to permit a car wash in a CS District. This property is located at 4970 South Harvard Avenue.

Presentation:

Casper Jones, 1302 South Fulton, was present representing Texaco, Inc., and submitted a plot plan (Exhibit "P-1"). Mr. Jones advised that a service station is presently located on the subject property and a detached car wash will also be located on this property if approved by the Board.

Protestants: None.

Case No. 12313 (continued)

Comments:

Discussion ensued concerning the subject property and the accessory use. Mr. Gardner advised that if a one bay car wash is attached it becomes accessory to a service station and is permitted, but a detached car wash needs approval from this Board. Dorotha Miller, Protective Inspections, advised that the service station has been converted into a convenience store and a car wash would not be a normal accessory use to a convenience store; therefore, a special exception is required.

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 permit a car wash in a CS District, per plot plan submitted, on the following described property:

Part of Lot 17, Block 2, Villa Grove Addition to the City of Tulsa, Oklahoma, more particularly described as:
Beginning at the NE corner of Lot 17; thence West 250'; thence South 140.56'; thence Northeast along Skelly Drive to a point; thence North to the point of beginning, LESS the East 15' thereof.

Case No. 12314

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to allow a car wash in a CS District. This property is located at the SW corner of 81st Street and Harvard Avenue.

Presentation:

Casper Jones, 1302 South Fulton Avenue, was present representing Texaco, and submitted a site plan (Exhibit "Q-1"). The applicant is requesting permission to locate a car wash at the southwest corner of 81st Street and Harvard Avenue. The proposed car wash will be a detached structure and will be located close to the presently existing service station on the subject property.

Protestants:

William E. Meyer, 3208 East 80th Place, was present and advised that the service station at the subject property is not needed, as there are several in the immediate area. He also advised that there are two car wash facilities within one-fourth mile of the subject property. The proposed structure would increase the traffic congestion already in existence.

Margie Hammond, 8246 South Florence Place, was present and stated that the car wash which is proposed is not needed in this area.

Paul Norris, 8521 South Oswego Avenue, was present in opposition to the proposal stating that the area is a high prone accident traffic corner and requested that the application be denied.

Comments:

Dorotha Miller, Protective Inspections, advised that Texaco has converted most of their service stations into convenience stores with accessory

Case No. 12314 (continued)

sales of gasoline.

Mr. Gardner advised that the Staff would be concerned about the actual location of the proposal on the subject lot since there are nearby residents in the subject area.

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 DENY a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow a car wash in a CS District, on the following described property:

Lot 1, Block 1, Walnut Creek Mall Addition, Tulsa County, Okla.

Case No. 12315

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Request to allow a Use Unit 2 (pre-release center) in an IM District. This property is located at 2733 East Latimer Ave.

Presentation:

Joe McCormick, 1776 One Williams Center, attorney, was present representing Volunteers of America, a non-profit organization similar to the Salvation Army. Mr. McCormick submitted two pamphlets providing information concerning the services provided by the Volunteers of America (Exhibit "R-1").

Mr. McCormick advised that a pre-release center is proposed for the subject property. There are problems with the present correction system institution in that presently, many prisoners are being released early as a result of a lack of space. Mr. McCormick advised that the residents, who are non-violent individuals, will be required to maintain a job while at the facility. The residents will consist of first time offenders involving a non-violent crime. Most of the residents will be former Tulsan men and the structure will facilitate from 42 to 55 residents. The organization will provide council and guidance for the residents so that they may re-enter society. Mr. McCormick advised that they have similar operations in Dallas and New Orleans.

Mr. Gulley, 3720 Prytania, New Orleans, LA, who is in charge of the facility in New Orleans was present and advised the Board of that facility and answered questions of the Board. Mr. Gulley's presentation informed the Board concerning how the operation would be monitored. Mr. Gulley assured the Board that it would be a safe operation and expalined some of the rules and guidelines involved. Mr. Gulley advised that there have only been two (2) incidents involving the police in ten (10) years of operation.

Interested Party:

Thelma Riggs, 2523 East 6th Street, was present and read a letter from the League of Women Voters in Tulsa urging that the application be approved because the service is needed. Mrs. Riggs also made a statement of her own and advised that she is in support of the operation

as correction facilities needed to be provided in this area.

Protestants:

Paul Calabretta, 817 North Gary Avenue, was present stating that he was not questioning the need for the proposed facility, but was concerned about the location, since it is located close to a school. He stated that the proposed location would not be in the best interest of the city or community and urged that the application be denied.

Ted Cotton, 1012 North Delaware Place, District #3 Chairman to the Greater Tulsa Council, was present and advised that Sherry Hoort would present District #3's views concerning the pre-release center.

Sherry Hoort, 123 North Atlanta Place, was present representing District #3, and submitted a protest petition containing approximately 1,236 signatures (Exhibit "R-2"). Mrs. Hoort advised that a neighborhood meeting was held with 250 residents present and a vote was taken concerning the pre-release center and 208 residents were against the proposal and 25 voted to support the application.

Mrs. Hoort advised that the neighborhood did not object to a pre-release center, but opposed to the proposed location. Mrs. Hoort advised that their main fear is the safety of persons, property and their homes. She advised that if the application is approved, that it would decrease property value. She also advised that the Volunteers of America did not come to the neighborhood with the proposal, but the neighborhood sought the Association for information. She requested that the application be denied to protect the neighborhood.

Bob Zilm was present and submitted a letter from Representative Don McCorkell, Jr., of the House of Representatives of the State of Oklahoma (Exhibit "R-3"). The letter suggests that the proposal is a needful operation, but the proposed location would not be suitable in the residential area. Mr. Zilm requested that the application be denied because of the location as he is a nearby resident.

Board Comments:

Mr. Victor advised that the neighborhood has expressed their support of a pre-release center, but has expressed their extreme opposition to the facility being located within their neighborhood. He felt that their rights should be protected since they were so vocal in their opposition.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts) to allow a Use Unit 2 (pre-release center) in an IM District, on the following described property:

A portion of Lots Three (3), Four (4), Five (5) and Six (6), Block 1, McClane Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Commercial Districts - Request to allow a recycling buying center in an IM District. This property is located at 1719 East 6th Street.

Presentation:

Dow Shearer, P. O. Box 98, Coweta, Oklahoma, 74429, was present and submitted a site plan (Exhibit "S-1") and thirteen (13) photographs of the subject property (Exhibit "S-2"). Mr. Shearer advised that the proposed recycling buying center will be buying from the general public used beverage containers made of aluminum, steel, and plastic, glass, and newspapers. The recycling center will be built on a circus theme and will benefit the general public, and will lend itself to church and civic groups. Mr. Shearer proceeded to explain the process for the recycling center and advised that it would be a clean operation.

Protestants: None.

Interested Party:

Eugene Colleoni, District #4 Chairman to the Greater Tulsa Council, was present and urged the Board to approve the application as the surrounding area is industrial in nature.

Comments:

Mr. Gardner asked if any outside storage would be located on the subject property and Mr. Shearer advised that there would be no piles of materials to be processed, but everything would be kept in containers.

Discussion ensued concerning the equipment and machines to be used during the operation. Mr. Shearer advised that the machinery would be no louder than the general traffic in that area. Mr. Victor inquired as to the days and hours of operation and Mr. Shearer advised that the business would operate from 8:30 a.m. to 4:30 p.m., Mondays through Saturdays.

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 Commercial Districts) to allow a recycling buying center in an IM District, and that no visible outside storage of materials be permitted, but that it be kept in containers and that it be a neat operation as represented by the applicant, on the following described property:

Beginning at the SE corner of Block 10; thence West on the North line of 6th Street 193.7'; North 106.53' to the Southerly right-of-way of M. K. & T. Railroad; Southeasterly on the right-of-way 215.33' to the Northeast corner of Block 10 South 13' to the point of beginning and vacant South Victor Avenue Adj., beginning on the Southeast corner of Block 10 North 13'; Southeasterly 32.3'; thence West 29.6' to the point of beginning, Block 10, ABDOSA, to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request to permit 1,329 square feet instead of 1,700 square feet of land per dwelling unit, and a request to permit 518.79 square feet instead of 600 square feet of livability space per dwelling unit; and a Variance - Section 1320 (b) - General Requirements - Request to permit more than 1 parking space for each 600 square feet of area in the front yard. This property is located at 512 North Atlanta Place.

Presentation:

Kenneth Snitz, 7935 East 57th Street, was present and submitted a plot plan (Exhibit "T-1"). Mr. Snitz advised that the original plans for the proposed structure was for a 2,500 square-foot townhouse arrangement. After a building permit was issued the contractor advised that he had made some cost mistakes, therefore, causing the applicant to redesign the structure and reduce it from three (3) bedrooms per side, making (6) bedrooms, to a total of four (4) bedrooms. There is an existing duplex structure on the subject property and the proposed 4-plex is proposed with a total of four units instead of the original two units. The 4-plex will still contain approximately 2,500 square feet.

Protestants:

Howard Kennedy, 4405 South Sandusky Avenue, was present stating that if the application is approved that it would overcrowd the subject property. He advised that it would create a traffic problem and it would not enhance the surrounding area.

Sherry Hoort, 123 North Atlanta Place, was present and submitted a protest petition containing approximately 159 signatures (Exhibit "T-2"). She advised that she was opposed to having four (4) more dwelling units on the subject property. She advised that there is an open utility line on the property which has created a health and safety hazard.

Vickie Hunter, 516 North Atlanta Place, was present stating that she lives next to the subject property and has suffered due to the excess noise caused by cars and residents at the existing duplex. She requested that the Board deny 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 DENY a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) to permit 1,329 square feet instead of 1,700 square feet of land area per dwelling unit, and a request to permit 518.79 square feet instead of 600 square feet of livability space per dwelling unit; and a Variance (Section 1320 (b) - General Requirements) to permit more than 1 parking space for each 600 square feet of area in the front yard, on the following described property:

Lot 3, Block 6, Ohio Place Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12319

Action Requested:

Variance - Section 1211.4 - Off-Street Parking and Loading Requirements - Request for a variance of the required parking spaces from 61 to 58. This property is located at 5010 East 68th Street.

Presentation:

Ed Brett, 5010 East 68th Street, was present representing D. S. Partnership of which Jim Hackler, the applicant, is a member. Mr. Brett submitted a site plan and floor plan (Exhibit "U-1"). Mr. Brett advised that the applicant purchased the subject property and is developing it for the six (6) dental specialists which make up the D. S. Partnership.

The applicant is requesting a variance of the required parking spaces. The subject property is situated on a steep site and in order to accommodate the applicant's needs, the 2-story building is designed with the entrance of the building on the second floor. The structure is 2 stories on the back side and 1-story at the entrance. Because of the steepness of the site, the parking did not go all the way to the end of the site and is three spaces short of the required parking requirement.

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 1211.4 - Off-Street Parking and Loading Requirements) of the required parking spaces from 61 to 58 spaces, on the following described property:

Lot 1, Block 1, Burning Hills 3rd Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12320

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in Office Districts - Request for a variance of the setback on the east and west property lines from 75' to 25' from the property line on the west and 10' from the property line on the east line. This property is located at the southwest corner of 17th Street and SW Boulevard.

Presentation:

Dennis Hall, 4989 South Union Avenue, was present requesting the variance of the setback from 75' to 25' on the west and to 10' on the east property line to construct an office building. Mr. Hall advised that the subject property is an irregular piece of property.

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 630 - Bulk and Area Requirements in Office Districts) of the setback on the east and

Case No. 12320 (continued)

west property lines from 75' to 25' from property line on the west and 10' from the property line on the east line, on the following described property:

Lots 3 through 7, inclusive, and parts of Lots 2, 8, 9, Block 1, Riverside Addition to West Tulsa, now an Addition to the City of Tulsa, Tulsa County, State of Oklahoma; and Lots 3 through 6, inclusive, and parts of Lots 2, 7, 8, Block 18, West Tulsa Addition to the City of Tulsa, Tulsa County, State of Oklahoma, and being more particularly described as follows:

Beginning at a point on the north line of Lot 2, Block 18, said West Tulsa Addition, and 5.00' west of the Northeast Corner thereof; thence South a distance of 315.00' to a point on the South line of Lot 2, Block 1, said Riverside Addition and 5.00' west of the Southeast Corner thereof; thence North 89°-51'-20" West along the South line of Lots 2 through 9, Block 1, said Riverside Addition, a distance of 178.84' to a point; thence North 8°-28'-00" East, a distance of 318.40' to a point on the North line of Lot 7, Block 18, said West Tulsa Addition; thence South 89°-51'-45" East along the North line of Lots 7 through 2, Block 18, said West Tulsa Addition 131.98' to the point of beginning. And being subject to easements dedicated for the use of utilities as shown on the plat hereon. This property includes Tract C-2 as designated by the Tulsa Urban Renewal Authority.

Case No. 12321

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to extend the present church facility; and a Variance - Section 440.7 - Special Exception Uses in Residential Districts - Request for a variance of the minimum building setback of 25' to 6' to the abutting R District to the north. This property is located at 1402 South Memorial Drive.

Presentation:

Gene Boomershine, 1844 North 106th East Avenue, was present and submitted a plot Plan (Exhibit "V-1"). Mr. Boomershine, who is representing the Southeast Baptist Church, advised that the Church is extending the present church facility to add a gymnasium building and additional classroom space. The proposed addition will be located over the easement, but the building will be shortened if they are not permitted to build over the easement. The building would be shortened to within 10' of the property line if needed.

Protestants: None.

Comments:

Mrs. Miller, Protective Inspections, advised that the applicant will have to shorten his building because he cannot build over the easement unless he has the easement vacated.

Mr. Gardner suggested that the Board approve the application, subject to the applicant getting the easement vacated through District Court.

Case No. 12321 (continued)

Mr. Victor inquired as to the height of the proposed structure and Mr. Boomershine advised that it would be 20' high with the peak being 24' high.

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 extend the present church facility; and a Variance (Section 440.7 - Special Exception Uses in Residential Districts) of the minimum building setback of 25' to 10' to the abutting R District to the north unless the applicant can get the easement vacated, and in which case, he would be permitted the building setback of 25' to 6', on the following described property:

Lot 2, Block 1, Keim Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12322

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request to allow a home occupation (beauty shop) in an RS-2 District. This property is located at 8245 South College Place.

Presentation:

Roberta McGill, 8245 South College Place, was present and submitted six (6) photographs of the subject property (Exhibit "W-1"). Mrs. McGill advised that she was granted permission to operate her beauty shop in her home six months ago and now requests permission to operate the beauty shop on a permanent basis. The applicant has erected a fence in her back yard to conceal the customers coming and going to the subject property for the neighborhood's benefit. Mrs. McGill intends to operate her business two days a week (Thursdays & Fridays) with an exception for holidays and bad weather, that she be permitted to make up those days should they fall on Thursday or Friday.

Protestants:

Elizabeth McIlvain, 3114 East 83rd Street, was present in opposition to the application because it will set a precedent in the area. She stated that she wants the area to remain a noncommercial area.

Victoria Jones, 8236 South Florence Avenue, was present and submitted a protest petition bearing approximately 80 signatures (Exhibit "W-2"). Ms. Jones advised that there were many protestants present at the previous hearing. The application was granted for a period of six months for the applicant to recover some of the money invested in the equipment for the beauty shop. She stated that if it is approved on a permanent basis it would devalue the surrounding area.

Charles Shelton, 3139 East 82nd Street, was present and read from the Restrictive Covenants of the neighborhood. He felt that this area should be used for residential purposes only and wanted to protect the home values in the area.

Case No. 12322 (continued)

Margie Hammond, 8246 South Florence Place, was present stating that if the application is approved, that it would set a precedent and was, therefore, in opposition.

Don Jones, 8436 South Florence Avenue, was present in protest to the application stating that it would set a precedent.

Interested Parties:

Edward Morrison, 8233 South College Place, was present stating that his house is located two houses north of the applicant's home and is in favor of the application.

Beverly Doke, 3240 East 69th Street, a realtor and a regular client of Mrs. McGill's, was present in support of the application.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Smith, Victor, "aye"; Wait, "nay"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 420 - Accessory Uses in Residential Districts) to allow a home occupation (beauty shop) in an RS-2 District, limiting the operation to two customers at any one time, two days a week, being Thursdays and Fridays, but if one of the two days falls on a holiday, or bad weather is prevalent, that the applicant will be allowed to make that day up during the week, that permission is to run with this owner only, and that this applicant continue to operate her business in the manner in which she has done in the past six months, that the applicant comply with all the home occupation regulations, and that the beauty shop not be enlarged, on the following described property:

Lot 7, Block 5, Walnut Creek III Addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 11589

Action Requested:

Consider approval of Site Plan for Case No. 11589.

Presentation:

The applicant was not present.

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 December 16, 1982, meeting.

Case No. 11207

Action Requested:

Consider approval of Site Plan for Case No. 11207.

Presentation:

The applicant was not present.

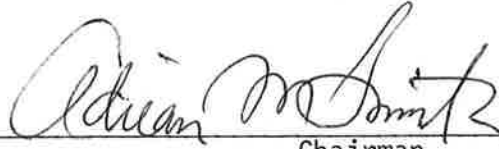
Board Action:

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 December 16, 1982, meeting.

The meeting adjourned at 5:25 p.m.

Date of Approval

1 - 27 - 83



Chairman