

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 378
Thursday, January 6, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Smith, Chairman (in at 1:07 p.m.) Victor Wait	Purser	Gardner Jones Martin	Miller, Protective Inspections Northcutt, Legal Department (out at 4:00 p.m.) Jackere, Legal Department (in at 4:00 p.m.)

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, January 4, 1983, at 9:27 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Acting Chairman Victor called the meeting to order at 1:05 p.m.

MINUTES:

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 the Minutes of November 18, 1982 (No. 375).

WITHDRAWN CASES:

Case No. 12362

Chairman Smith advised that the applicant, Ed Hawkins, submitted a letter requesting that the case be withdrawn (Exhibit "A-1").

Case No. 12374

Ricky Jones submitted a letter from the applicant, (Ann Fleming) requesting that the case be withdrawn and that the fees be fully refunded (Exhibit "B-1"). Mr. Jones advised that the application was never processed.

Case No. 12376

Chairman Smith read a letter from the president of Tulsa Child and Family Center requesting that the application be withdrawn (Exhibit "C-1"). Richard Reist, Jr., 6318 East 56th Place, questioned if the application could be refiled and Chairman Smith answered in the affirmative and advised that the property owners in the subject area would receive notice and advertising would be done.

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to withdraw Case No. 12376 and Case No. 12362; and to withdraw Case No. 12374 and to refund the \$50 filing fee.

UNFINISHED BUSINESS:

Case No. 12348

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Request to allow an indoor soccer facility and restaurant in an IL District; and a Variance - Section 1219.4 - Off-Street Parking and Loading Requirements - Request to vary the parking requirements from 146 spaces to 54 spaces; and a Variance - Section 1212.4 - Off-Street Parking and Loading Requirements - Request to vary the parking requirements from 146 spaces to 54 spaces. This property is located at 4470 South 70th East Avenue.

Presentation:

Jerry Kerin, 2878 East 51st Street, was present stating that he was before the Board on December 16, 1982, at which time discussion arose concerning the variance for the parking requirements. The applicant has received permission from his lessor to lease additional parking from the owner of adjacent land. Mr. Kerin provided the Board with a plat showing the location of the building which will be leased and the additional parking; also submitted was a signed agreement for a 2-year period by Richard Bryan, the owner of the adjacent property at 44th Street and 70th East Avenue (Exhibit "D-1").

The concern at the previous meeting was that it would be necessary for the applicant to contact the City Legal Department and create a document, which could be presented at this meeting to tie the properties together for a specific period of time. The agreement grants the applicant a 2-year period for the purpose of parking.

Protestants: None.

Comments:

Bill Northcutt, Legal Department, advised that the approval needs to be subject to a signed agreement between the applicant and the owner of the adjacent property that ties the parking, allowing the applicant to park on the adjacent lot the same amount of time as indicated on the lease. Mr. Kerin advised that the term of lease on the building is for a longer period of time than the 2-year parking agreement.

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 Industrial Districts) to allow an indoor soccer facility and restaurant in an IL District; and a Variance (Section 1219.4 Off-Street Parking and Loading Requirements) to vary the parking requirements from 146 spaces to 54 spaces; and a Variance (Section 1212.4 - Off-Street Parking and Loading Requirements) to vary the parking requirements from 146 spaces to 54 spaces, subject to the execution of a signed agreement between the applicant and adjacent property owner to be approved by the City Legal Department, and that this agreement be for a period of 2 years with the applicant returning to the Board at the end of that 2-year period for additional approval to continue the operation as presented, on the following described property:

The South 36 feet of Lot 33 and all of Lots 27-32, Block 1, Katy Freeway Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

1.6.83:378(2)

Case No. 12355

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to allow a post office in a CS District. This property is located at 1510 South Memorial Drive.

Presentation:

Charles White, 1703 East Skelly Drive, was present and submitted plans consisting of the site, floor, elevation and electrical plans and proposed materials to be used in construction (Exhibit "E-1"). Mr. White advised at the previous meeting that there was a question of the elevation exposed to Memorial. The plans indicate that there will be a rock, glass and wood front. The applicant requested rather than having wood that a shadow panel metal siding be permitted.

Protestants: None.

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 710 - Principal Uses Permitted in Commercial Districts) to allow a post office in a CS District, subject to the drawings and renderings submitted, and that the applicant have the option of using a metal siding on the facade of the building to match the color shown on the renderings, on the following described property:

The South 1-1/2 acres of the NE/4 of the NE/4 of the NE/4 of the SE/4 of Section 11, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12361

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to allow multifamily use in a CS District; and a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the structure height from 26' to 35'. This property is located at the NE corner of 87th Street and Lewis Avenue.

Presentation:

B. Kenneth Cox, Jr., 3526 South Toledo Place, was present stating that the application was approved by the Board on December 16, 1982, and later discovered that there was an error in the legal description which required readvertisement of the property. The application has been readvertised and the applicant is seeking reaffirmation of the December 16, 1982, approval.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow multifamily use in a CS District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the structure height from 26' to 35' to the top of the top plate, per plot plan and drawings plan submitted, on the following described property:

1.6.83:378(3)

Case No. 12361 (continued)

A part of Block 1, Crown Imperial Addition, City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows:

Beginning at the Southeast Corner of Block 1; thence West along the South Boundary of said Block 1 a distance of 527.73 feet to the true point of beginning; thence Westerly along the North right-of-way of East Eighty-Seventh Street South, on a curve to the left having a radius of 350.00 feet and a central angle of 13° 47' 27", a distance of 84.24 feet; thence North 25° 24' 36" West a distance of 199.38 feet; thence East, along the North Boundary of said Block 1, a distance of 20 feet; thence Southeasterly, approximately 226.72 feet to the true POINT OF BEGINNING.

Case No. 12365

Action Requested:

Special Exception - Section 240.2 (h) - Permitted Yard Obstructions - Request to locate a carport in the side yard of the subject tract. This property is located at 2732 South Cincinnati Avenue.

Presentation:

Ross Cooper, Jr., 2732 South Cincinnati Avenue, was present and submitted four (4) photographs of other carports in the immediate area (Exhibit "F-1"), and a drawing of the present driveway and the proposed carport (Exhibit "F-2"). Mr. Cooper advised that the existence of a carport in the surrounding area is not unusual. Mr. Cooper advised that his next door neighbor's carport is constructed approximately 3' off of the property. The proposed carport will be aesthetically pleasing to the subject area.

Protestants:

Michael Huggins, 2804 South Cincinnati, the property owner most affected by the proposed carport, was present stating that he is in opposition to the application for three reasons. First, the proposed carport would decrease property values as it would be an eyesore to the area. Second, he felt that the carport would create a safety hazard if a fire truck were required to gain access between the two properties. Third, Mr. Huggins stated that he did not feel that the carport was needed because the applicant presently has a two-car garage at the back of his property. He was concerned that if the carport were permitted that rain water would drain off the carport onto his property.

Applicant's Rebuttal:

Mr. Cooper stated that his garage is so close to his house (approximately 10') that he could not physically park a car in one side of the garage. Mr. Victor asked the applicant if he used the other half of the garage for one of his automobiles and Mr. Cooper answered yes. Mr. Victor inquired about the pitch of the carport roof and Mr. Cooper advised that the pitch will be toward the adjacent property, but there will be guttering to catch the water that drains off the roof that will be directed to the center of his driveway, which would then run off into 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";

Case No. 12365 (continued)

Purser, "absent") to approve a Special Exception (Section 240.2 (h) - Permitted Yard Obstructions) to locate a carport in the side yard of the subject yard, per plot plan, on the following described property:

Lot 13, Block 13, Sunset Terrace Addition to the City of Tulsa, Oklahoma.

Case No. 12370

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Request to allow a variance to setback requirements from 75' to 20' to the west property line. This property is located at 3300 North Harvard Avenue.

Presentation:

Robert Nichols, 111 West 5th Street, was present representing Tri-Thermal Industries. The application was before the Board on December 16, 1982, at which time the variance in question was not included. There has been no substantial change in the application from the previous hearing.

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 930 - Bulk and Area Requirements in Industrial Districts) to allow a variance to setback requirements from 75' to 20' to the west property line, per drawings submitted, on the following described property:

A part of the S/2 of the NW/4 of the NW/4 of Section 21, Township 20 North, Range 13 East, Indian Base and Meridian, more particularly described as follows: Beginning at a point on the West line 200 feet South of the Northwest corner of the S/2 of the NW/4 of the NW/4 of Said Section 21; thence East a distance of 400 feet to a point; thence South a distance of 100 feet to a point; thence West a distance of 400 feet to the West Boundary line of said tract; thence North along the West Boundary line a distance of 100 feet to the point of beginning. And a certain piece and parcel of ground in the S/2 of the NW/4 of the NW/4 of Section 21, Township 20 North, Range 13 East, more particularly described as follows: Beginning at the Northeast corner of the S/2, NW/4, NW/4; thence West along the North Boundary line thereof a distance of 915 feet to a point; thence South a distance of 343 feet to a point, being the Northwesterly Boundary line of the A. T. & S. F. Railroad right-of-way; thence in a Northeasterly direction along said Railroad Boundary line to the East Boundary line of the above described land; thence North about 53 feet to the point of beginning, all in Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12372

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Request for a variance to locate a sign 45' from the centerline of Harvard Avenue, the Major Street Plan requires a 50' setback. This property is located at 3515 South Harvard Avenue.

Presentation:

David Weaver, 5747-B East Admiral Place, was present and submitted five (5) photographs of the existing sign (Exhibit "G-1") and a rendering showing the location of the new sign and the design of that sign (Exhibit "G-2").

The proposed sign will be located 45' from the centerline of Harvard Avenue and the existing sign which is located 33' from the centerline will be removed. The proposed sign will be approximately 12 feet in height.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 280 - Structure Setback from Abutting Streets) to locate a sign 45' from the centerline of Harvard Avenue, the Major Street Plan requires a 50' setback, subject to the execution of the removal contract, on the following described property:

Lot 40, Albert Pike Addition, City of Tulsa, Oklahoma.

Case No. 12381

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Request for a variance of the setback from the centerline of 51st Street from 50' to 28'. This property is located at 2501 East 51st St.

Presentation:

Mr. Gardner advised that the City owns 50' from the centerline of the right-of-way, therefore, if the applicant erects the sign within 20' of the centerline it would be on City property. The application needs to be heard by the City Commission in addition to this Board.

Bart Rogers, 2501 East 51st Street, #300, was present and submitted an exhibit consisting of a letter from Mr. Rogers describing the proposed sign (Exhibit "H-1"), renderings of the new sign (Exhibit "H-2"), and photographs of the proposed sign (Exhibit "H-3"). If the proposed sign were located 50' from the centerline of 51st Street as required, it would be placed in the parking lot. If it were located in the parking lot it would not be readily visible and some of the needed parking area would be lost.

Protestants: None.

Case No. 12381 (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 deny a Variance (Section 280 - Structure Setback from Abutting Streets) of the setback from the centerline of 51st Street from 50' to 28', on the following described property:

Part of the SW/4, SW/4, beginning 264' West of the Southeast Corner of the SW/4, SW/4; thence North 217'; thence West 132'; thence South 217'; thence East 132' to the point of beginning, less the South 50' thereof for Street, Section 29, Township 19 North, Range 13 East, containing .51 acre.

Discussion:

Mr. Rogers inquired as to the reason for the denial and Mr. Victor advised him that a sign which exists next to a driveway like the one in question, presents a traffic hazard. He also stated that if the sign was granted it would set a precedent in the area.

Case No. 12383

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a minor variance of the side yard requirement from 10' to 9' for a dwelling. This property is located at 3109 East Independence.

Presentation:

Erwin Horn, 6931 East Oklahoma Place, was present and submitted a plot plan and foundation plan (Exhibit "I-1"). Mr. Horn requested that the variance of the side yard from 10' to 9' be approved.

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 Residential Districts) of the side yard requirement from 10' to 9' for a dwelling, per plot plan, on the following described property:

Boyce Subdivision of the W/2 of Lot 16 of Garden Acres Subdivision Lot 7, City of Tulsa, Oklahoma.

Case No. 12384

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a Variance of the setback from Quanah Avenue from 50' to 45' and from the rear yard setback from 20' to 18'. This property is located at 1216 West 36th Street.

Presentation:

Robert Biffle, 3643 South 29th West Avenue, was present and submitted four (4) photographs (Exhibit "J-1"), and a sketched plot plan and drawings of the structure (Exhibit "J-2"). Mr. Biffle intends to make a 3-room

1.6.83:378(7)

Case No. 12384 (continued)

addition to the existing residence which will line up with the present structure.

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 Residential Districts) of the setback from Quanah from 50' to 45' and from the rear yard setback from 20' to 18', per plot plan submitted, on the following described property:

The W/2 of Lot 30, Block 7 of Hardesty Addition to the City of Tulsa, Oklahoma.

Case No. 12386

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Request for a variance of the required footage on a dedicated street in order to permit a lot-split. Service to this tract to be provided by a manual access area across the adjacent lot to a dedicated street. This property is located south and west of 46th Street North and Mingo Road.

Presentation:

The applicant, Jack Cox, was not present.

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 January 27, 1983 meeting.

Case No. 12396

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the side yard requirements from 10' to 7.5'. This property is located at 1016 North Troost Avenue.

Presentation:

D. H. McElroy, 1012 North Troost Avenue, was present. The Staff advised that the case was not properly before the Board at this time and needs to be readvertised.

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 January 27, 1983 meeting.

The application was brought back before the Board after having visited

Case No. 12396 (continued)

Protective Inspections Office. It was first determined that 2 variances were needed; one for the front yard and one for the side yard. Later it was determined that the applicant only needed a relief of the side yard from 10' to 7.5', which is a minor variance. A plot plan was submitted (Exhibit "K-1").

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 side yard requirements from 10' to 7.5', on the following described property:

Lot 10, Block 2, Ingraham-Lewis Addition, City of Tulsa, Oklahoma.

Case No. 12399

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the frontage requirements from 60' to 50' in order to permit a lot-split located at 3348 - 3352 East Latimer Street.

Presentation:

The applicant, Earl Strain, was not present.

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 January 27, 1983 meeting.

NEW APPLICATIONS:

Case No. 12369

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to locate a mobile home and for it to be used as an office building. This property is located at the SE and SW corners of 75th Place and Quincy Avenue.

Presentation:

Eric Lynd was present on behalf of Ronald Buenham, 1402 East 75th Place, representing Mid-South Dredging Company in Fort Smith, Arkansas. Mr. Lynd submitted three (3) photographs of the mobile home to be used for an office building (Exhibit "L-1"). The mobile home is 8' x 35', containing 2 office rooms, and will be used for engineering and field office work for a construction project. The lease expires in August 1983, therefore, the applicant is requesting approval of the request for a period of one year.

Protestants: None.

Comments:

Dorothea Miller, Protective Inspections, advised that the Building Inspector could approve a temporary nonresidential use, but cannot approve a temporary office use in a residential zone. Therefore, this Board is the only entity which can grant approval of the request.

Chairman Smith inquired as to the construction project and Mr. Lynd advised that the applicant will be placing hydrolic fill on the subject area to develop the land.

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 Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to locate a mobile home to be used as an office building, for a period of one year, subject to the execution of a removal bond, on the following described property:

Lot 4, Block 3, River Grove Subdivision, Section 7, Township 18 North, Range 13 East, City of Tulsa, Oklahoma.

Case No. 12373

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow duplex use in an RS-3 District. This property is located East of the NE corner of 33rd W. Ave. & 57th Street South.

Presentation:

James Mahoney, 5535 South Atlanta Place, was present and submitted a drainage plan (Exhibit "M-1"). Mr. Mahoney advised that he was the original developer of the lots in question and now proposes to resubdivide the six (6) lots in question into five (5) lots. The street easement on the applicant's west boundary of the westernmost lot has been vacated which adds an additional 25' to the subject lots. Each of

Case No. 12373 (continued)

the proposed five lots will be approximately 84' wide, which would exceed the 75' required in the Zoning Code. The duplexes will contain approximately 1,000 square feet per side.

Mr. Mahoney completed his presentation by reading a letter from Ruby Bonhefeld, 5138 South Atlanta Avenue, who owns several lots in the area and is in support of the application.

Protestants:

Dennis Wilson, 3042 West 56th Place, was present and submitted protest petitions signed by approximately 180 property owners in the area (Exhibit "M-2"), and a Certificate of Dedication signed by James Mahoney, the developer of the area, stating that the area is for single-family dwellings (Exhibit "M-3"). Mr. Wilson advised that there were approximately 20 individuals present in protest to the application. The Mountain Manor Addition residents are concerned and opposed to the introduction of duplexes and multifamily dwellings in the area as it would present a hazard to the economic status of the residents. There are no other duplexes in the immediate surrounding area. If the application were approved it would set a precedent and would change the RS-3 character of the neighborhood.

Paul Pearson, 5645 South 33rd West Avenue, was present in protest to the application stating that there is no curbing or guttering on the street where the duplexes are proposed. That street in question is also very narrow.

Comments:

Mr. Gardner advised that the applicant is proposing to resubdivide the 6 lots into 5 lots with a total of 10,000 square feet each and a minimum of 80 feet of frontage. Therefore, the only question before the Board at this time is if the duplexes are appropriate in the subject area. Discussion ensued concerning the appropriateness of the duplexes. The Board felt that the use would not be appropriate in the area as it would set a precedent in 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 deny a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow duplex use in an RS-3 District, on the following described property:

Lots 13, 14, 15, 16, 17, 18, Block 11, Mountain Manor Addition,
Tulsa County, Oklahoma.

Case No. 12375

Action Requested:

Variance - Section 240.2 (3) - Permitted Yard Obstructions - Request to allow a detached accessory building of 1,344 square feet. This property is located at 1430 South Fulton Avenue.

Case No. 12375 (continued)

Presentation:

James Larson, 1430 South Fulton Avenue, was present requesting that the variance be granted for the 1-1/2 story to be used for storage above the garage. Drawings of the proposed structure were submitted (Exhibit "N-1").

Protestants:

A protest letter was submitted from Skelly Petroleum, Incorporated, 7030 South Yale Avenue (Exhibit "N-2").

Interested Party:

Pamela Sue Davis, 1419 South Erie Avenue, was present in support of the application.

Comments:

Mr. Victor was concerned that the structure not be used for commercial sales and the applicant assured the Board that it would only be used for storage.

The Board was concerned that it would not be used as a living quarters by adding plumbing.

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 240.2 (3) - Permitted Yard Obstructions) to allow a detached accessory building of 1,344 square feet, subject to no plumbing being permitted, and that the accessory building not be used for business purposes, subject to the plot plan submitted, on the following described property:

Lot 6, Block 7, Smithville Addition, City of Tulsa, Oklahoma.

Case No. 12377

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to permit two dwellings on one lot of record. This property is located at 1304 East 26th Place.

Presentation:

Tim Case, 3509 South Peoria Avenue, was present representing the owner of the subject property, Marilyn Ihloff, requesting the variance to permit two dwellings on the subject tract. There is a servant quarters or garage apartment on the property containing a bedroom, bathroom, and closet, which the applicant intends to renovate the interior and add a kitchen and living room. The building in question will be used for rental purposes.

Protestants:

Robert Nichols, was present representing Ira Crews, 1328 East 27th St.; William Boone, 1305 East 27th Street; Carl Morgan, 1329 East 27th Street. The property is located in one of the oldest and most established neighborhoods in the community. It is also an area that has over the past 50 years not had any encroachments on a part of the commercial enterprise, or upon part of multifamily enterprise. Mr. Nichols stated that if the

Case No. 12377 (continued)

structure were converted into rental property that it would be the beginning of a precedent. The subject tract is a small lot (67' x 110') and is nonconforming in an RS-2 District at this time, and therefore, requested that the application be denied.

Comments:

Dorothea Miller, Protective Inspections, advised that the structure was originally a garage with a bedroom and bathroom. Legally the applicant would be permitted to leave the structure as presently exists but could not add a kitchen and living 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 deny a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to permit two dwellings on one lot of record, on the following described property:

Lot 19, Block 1, Travis Heights Addition in the City of Tulsa, Oklahoma.

Case No. 12378

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the front setback line from the center of East 7th Street from 50' to 36', located at 702 South 123rd East Avenue.

Presentation:

Dale McKenzie, 702 East 123rd East Avenue, was present and submitted a plot plan (Exhibit "0-1"). The variance is being requested because the applicant is adding another room to the existing residence. There is a garage and another dwelling located at the rear of the subject property that are also situated approximately 36' from the centerline of 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"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the front setback from the centerline of East 7th Street from 50' to 36', per plot plan submitted, on the following described property:

The E/2 of the N/2 of Lot 39, Plainview Heights Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 12379

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Request to allow an airport in an AG District, located East of the NE corner of 36th Street North and Memorial Drive.

Presentation:

Ricky Jones submitted a letter from Carl Cannizzaro, requesting that the case be continued to the next meeting (Exhibit "P-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 case to the January 27, 1983 meeting.

Case No. 12380

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request to allow a home occupation (beauty shop) in an RS-3 District. This property is located at 2180 South Urbana Avenue.

Presentation:

Gail Bickel, 2180 South Urbana Avenue, was present requesting that she be permitted to operate a beauty shop in her home. The beauty shop is presently located in Ms. Bickel's garage and has been there for one year as the applicant was not aware that an application had to be approved by this Board.

Protestants:

Eugene Colleoni, District #4 Chairman to the Greater Tulsa Council, was present and stated that he was sympathetic to the applicant's needs, but felt that approval would violate the District Plan and would set a precedent in the area for other businesses.

Mrs. Jerry England, 2174 South Urbana Avenue, was present stating that she is in opposition to the application as it will set a precedent. She also stated that her bedroom is located approximately 10' from the garage beauty shop and advised that at times the operation is noisy. She also stated that there are cars that park in front of her house while attending the beauty shop.

Mrs. C. H. McBroom, 2171 South Urbana Avenue, was present stating that she opposed the application because the area would have potential for business zoning. Chairman Smith assured Mrs. McBroom that the Board does not deal with numerous applications for home occupations, but the applicants are required to come before the Board. The Board then acts on each case according to its own merits.

Interested Party:

Thelma Hopkins, 2159 South Urbana Avenue, was present stating that she was in full support of the beauty shop. She also advised that she has talked to others in the area who have no objection to the request.

Case No. 12380 (continued)

Board Comments and Questions:

Mr. Victor asked if the applicant had changed the appearance of the structure and Ms. Bickel advised the Board that she had not. Mr. Victor then asked how many customers would come to the subject property during a one-week period and Ms. Bickel advised that there would be no more than 15 to 20 customers in a week's time. Mr. Victor then asked the applicant the days and hours of operation and Ms. Bickel stated that she usually has the beauty shop open on Mondays and Thursdays and would schedule a call-in customer during the week.

Mr. Chappelle asked if this was the applicant's only source of income and Ms. Bickel answered in the affirmative.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 420 - Accessory Uses in Residential Districts) to allow a home occupation (beauty shop) in an RS-3 District, for a period of two years, subject to all of the home occupation regulations, to run with this applicant only, on the following described property:

Lot 15, Block 4, Mayo Meadows Extended Addition in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12382

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow a children's day nursery in an RM-1 District. This property is located at the SE corner of Latimer Place and Sheridan Road.

Presentation:

Nolan Harris, 1209 South Redbud Street, Broken Arrow, Oklahoma, was present and submitted a plot plan (Exhibit "Q-1"), photographs of the proposed structure and similar structures in the area (Exhibit "Q-2").

Mr. Harris advised that the subject tract is vacant and is currently zoned for apartments and has commercial zoning east and west of the property. Located to the south of the tract is a mobile home park and to the north are two residences.

The use of the property is for a children's day care center with plans to construct a 4,000 square-foot metal building, which will be licensed to facilitate up to 105 children. The subject property which will be properly fenced and landscaped will have a paved circular drive for off-street arrival and departure of the children. A playground and playground equipment will be provided. The day care center will be in operation from 6:00 a.m. to 6:00 p.m., for five days a week, Monday through Friday.

Protestants: None.

Case No. 12382 (continued)

Comments:

Discussion ensued concerning the metal building which is proposed and Mr. Harris stated that there are several metal buildings in the immediate area and proceeded to show photographs to that affect.

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 allow a children's day care center in an RM-1 District, per plot plan submitted on the following described property:

The East 162.5 feet of Lot 4, Block 2, Aviation View Addition, in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12385

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request to increase the floor area ratio from 50% to 58%. This property is located at the SE corner of 61st Street and Memorial Dr.

Presentation:

Jack Cox, 1323 South Baltimore Avenue, was present and submitted a site plan (Exhibit "R-1"), and a letter from Dennis Wood, an adjacent property owner, stating that he is in full support of the application (Exhibit "R-2").

Mr. Cox advised that there is a hardship involved in this application because this property was purchased through a realtor in Arkansas who computed the available floor space based on the total tract purchased, not realizing that in Tulsa the portion of land dedicated for a street is excluded in computing the floor area. The plat has been filed and the plans are complete. The site in question will be used for a motel structure containing approximately 50 spacious rooms with adequate parking provided for the project. There are 40,725 square feet contained in the proposed motel project.

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 730 - Bulk and Area Requirements in Commercial Districts) to increase the floor area ratio from 50% to 58% for a total of 40,725 square feet, per plot plan submitted, on the following described property:

Lot 1, Block 1, Lagniappe Inn, in the City of Tulsa, Oklahoma.

Case No. 12387

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts- Request to allow a home occupation (bookkeeping service) in an RS-3 District. This property is located at 6711 East Pine Street.

Presentation:

A. M. Cloud, 6711 East Pine Street, was present requesting permission to operate a bookkeeping service in her home. There will be no exterior changes to the dwelling. Ms. Cloud advised that the closest neighbors to her residence is a motorcycle shop, a dentist office, and a laundromat. Ms. Cloud's son will be doing most of the bookkeeping and she will assist him in his work.

Protestants: None.

Board Comments:

Mr. Victor inquired as to the number of people coming to the residence during operating hours and Ms. Cloud advised that there would be very few individuals coming to the subject property. There are two driveways on the property with adequate parking available because the applicant owns half of the block.

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 Special Exception (Section 420 - Accessory Uses Permitted in Residential Districts) to allow a home occupation (bookkeeping service) subject to all of the home occupation regulations, to run with this owner only, on the following described property:

Lot 9, Block 4, Spartan Court, City of Tulsa, Oklahoma.

Case No. 12388

Action Requested:

Variance - Section 420.2 a. 2. - Accessory Use Conditions - Request to permit a detached accessory building (Gazebo) in the front yard. This property is located at 4819 East 84th Street.

Presentation:

Don Williamson, 2209 East 66th Place South, was present representing the owner, Mr. and Mrs. Arney Brown, and submitted a set of plans consisting of the plot plan, floor plan, foundation plan, and elevation plan (Exhibit "S-1"). The applicant intends to erect the Gazebo on the courtyard in the front yard, which will be within all setbacks and does not encroach on any easements. According to the Zoning Code the proposed Gazebo is a detached accessory out-building even though the roof is attached to the house. The Gazebo, if approved, will not detract from the neighborhood.

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 420.2 a. 2. - Accessory Use Conditions) to permit a detached accessory building (Gazebo) in the

Case No. 12388 (continued)

front yard, per drawings submitted, on the following described property:

Lot 33, Block 1, Brookwood II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12389

Action Requested:

Variance - Section 1221.5 - (CS District) - Use Conditions - Request to permit the erection of a 50' high, 40" in diameter steel pole containing one double-faced 14' x 48' panel to be illuminated for outdoor advertising located west of the SW corner of 31st Street and Memorial Drive.

Presentation:

Tom Tannehill, 1918 East 51st Street, was present and submitted four (4) photographs of the subject property and a view of the proposed sign structure (Exhibit "T-1"). The CS zoned subject tract is an unusual shaped piece of property and is owned by Bill Lloyd. Mr. Lloyd intends to lease the sign space to another individual to be used as a billboard. The proposed sign will be located on the southwest orientation of the oblong shaped tract. An individual is permitted a sign 2.5 square feet per linear footage along an arterial dedicated street. Mr. Tannehill advised that an access road such as the one in question that is heavily traveled, is not considered for the purpose of computing footage, according to the Zoning Code. If the access road were to be considered, the footage that the Zoning Code would permit would be 650 square feet of advertising sign and the applicant is seeking a total of 672 square feet.

Mr. Tannehill advised the Board of other signs in the area that were previously approved by the Board of Adjustment.

Protestants:

Carol Craig was present representing Landmark Land Company, which is the Company that Mr. Tannehill referred to in his presentation, that they are doing extensive development west and south of the proposed sign. The building that presently exists there is one-half mile from the site for the sign. The Landmark Land Company has a 99-year ground lease on the property adjacent to the property that Bill Lloyd owns and the lease is held with the Lloyd family. The protestant feels that the size of the sign would be detrimental to the development of their property.

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 deny a Variance (Section 1221.5 (CS District) - Use Conditions) to permit the erection of a 50' high, 40" diameter steel pole containing one double-faced 14' x 48' panel to be illuminated for outdoor advertising, on the following described property:

Lot 2, Interchange Center Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the building setback requirements from 100' to 85' on 31st Street. This property is located at 3121 South Sheridan Road.

Presentation:

John Moody, 4100 Bank of Oklahoma Tower, was present representing Ted Sieler, owner of Sheridan Lanes Bowling Alley, and submitted nine (9) photographs of the subject property and surrounding properties (Exhibit "U-1"). The proposed addition will be approximately 17' in height and will be a one-story flat roofed structure. The existing bowling lanes run east and west and the proposed addition of lanes will run north and south because of the irregular shaped subject property.

The applicant is requesting a modification of the building setback line on East 31st Street from 50' to 35' for a 15' variance. He is willing, as a condition, to provide the 35' setback to be used for open space that will not be used for the parking of automobiles. Additional parking will be provided to the rear of the building.

Ted Sieler, 3121 South Sheridan Road, owner of the Sheridan Lanes Bowling Alley, was present to answer questions of the Board.

Discussion:

Discussion ensued concerning the parking and the proposed location of the building addition. Chairman Smith inquired about parking spaces which would be available when the addition is erected and Mr. Sieler advised that there would be approximately 200 provided for in the rear of the property.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the building setback requirements from 100' to 85' on 31st Street, per plot plan submitted, to retain the open space as shown, and that the applicant forfeit the 10 parking spaces along Sheridan in the front for site distance purposes, on the following described property:

EXHIBIT A

The following described real estate situated in the City of Tulsa, Tulsa County, State of Oklahoma, to wit:

Beginning at a point 50 feet East and 200 feet South of the NW corner of the NW/4 of Section 23, Township 19 North, Range 13 East; thence East 175 feet; thence North 150 feet; thence East 183 feet; thence South 445 feet; thence West 348 feet; thence North along the West property line and parallel to the section line a distance of 295 feet to the point of beginning;

AND

The South 222.5 feet of the East 252 feet of the North 495 feet of the West 660 feet of the NW/4 of the NW/4 of Section 23, Township 19 North, Range 13 East, Tulsa, Tulsa County, Oklahoma;

Case No. 12390 (continued)

AND

The West 100 feet of the East 252 feet of the North 272.5 feet of the NW/4 of the NW/4 of the NW/4 of Section 23, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, AND the South 222.50 feet of the North 495 feet of the East 252 feet of the NW/4 of the NW/4 of the NW/4 of Section 23, Township 19 North, Range 13 East of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Case No. 12391

Action Requested:

Variance - Section 310 - Principal Uses Permitted in the Agriculture Districts - Request to permit a warehouse for holding plants prior to leasing. This property is located at 8438 South Elwood Avenue.

Presentation:

Chairman Smith advised that the applicant requested that the case be continued and read a letter to that affect (Exhibit "V-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 January 27, 1983 meeting.

Case No. 12392

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for airport use (relocation of the air surveillance radar) located north and east of the NE corner of 36th Street North and Yale Avenue.

Presentation:

Carl Cannizzaro, P. O. Box 51286, was present and submitted an aerial photograph and site location map (Exhibit "W-1"), and a detail topographic survey of the subject property (Exhibit "W-2"). The applicant desires to move the airport surveillance radar which is presently located at the Tulsa International Airport north and west to a location just west of the golf course. The subject property is a small tract of land will contain a small block building and the radar will be very similar to the one that is located on the airport property presently.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) for airport use (relocation of the air surveillance radar) on the following described property:

Case No. 12392 (continued)

The East 147' of the South 120' of the NE/4, NE/4, NW/4, SW/4, in Section 15, Township 20 North, Range 13 East, in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12393

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow four duplexes in an RS-3 District; and a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the setback requirements from 25' to 6.5' on a corner lot; and a Variance - Section 440.3 (c) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the frontage requirements from 75' to 65' on three lots and 75' to 13.06' on one lot for duplex use. This property is located NE of 45th Street and 30th West Avenue.

Presentation:

Casper Jones, 1320 South Fulton, was present representing Roger Merchant and Tommy Dale and submitted an aerial photograph (Exhibit "X-1"), eight (8) photographs of the subject area (Exhibit "X-2"). Mr. Jones advised that the variance of the setback requirements could be deleted from the application because the City Commission approved the vacation of 45th Street which will not make it a corner lot. He then submitted a letter containing that information (Exhibit "X-3").

The applicant proposes to construct four duplexes on the subject property. The applicant also owns the triangular tract of land across the street on 30th West Avenue. Mr. Jones advised that there is a drainage problem with the subject property, but representatives of the Water and Street Departments are in agreement with the proposed plan. If the application is approved the City Hydrology Department wants it raised 1-foot.

The proposed duplex structures will be constructed of brick to conform with the other houses in the surrounding area. Mr. Jones advised that the TMAPC approved a lot split on the subject property. Previously, it was a platted addition and there were six single-family lots on the tract, and later the expressway right-of-way did away with a portion of Lots 5 and 6.

Protestants:

Mavis Bacquet, 4350 South 29th West Avenue, was present stating that she had several protest petitions signed by property owners which will be adversely affected by the application. Ms. Bacquet proceeded to read the statement which the protestants signed. The homes in the area are mostly single-family residential and are constructed on 60' x 135' lots and the proposed duplexes will be leased to two families providing each family only 30 feet which will decrease property values. She advised that there is a drainage problem on the subject property and a portion of the subject property is in a floodplain. They are opposed to the proposed placement of these structures.

Patty Furr, 4336 South 29th West Avenue, was present stating that she did not receive notification of this public hearing. She stated that she was opposed to the multifamily proposed use because it will decrease property values adding that she would have no objection to single-family

Case No. 12393 (continued)

dwellings. She stated that she had concerns about the drainage problem.

Sherry Hartman, 4332 South 29th West Avenue, was present stating that the four duplexes as proposed, would tend to overcrowd the subject tract. She stated that she would be supportive of the application if it were for single-family dwellings.

Mrs. Halsey, 4346 South 29th West Avenue, was present also stating that she did not receive notice of the hearing and felt that she was not fully prepared to present her objections. She too stated that she was opposed to the multifamily use and would support single-family use.

Michael Dunn, 4326 South 29th West Avenue, was present stating that most of the houses in the area are single-family dwellings and expressed his objection to multifamily use on the subject property. He also expressed a concern for the drainage problem on the subject property.

Discussion:

Discussion ensued concerning the square footage per family on the subject property. Roger Merchant advised that the square-footage per family in the surrounding area is 9,051 and the proposed duplex units will contain approximately 9,000 square feet including the total property.

Discussion ensued concerning the drainage for the property and Mr. Merchant advised that he had worked with the City Hydrologist and City Engineer concerning that matter. The Board felt that the proposed four duplex units would tend to overcrowd the subject area.

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 2-2-0 (Chappelle, Wait, "aye"; Smith, Victor, "nay"; no "abstentions"; Purser, "absent") to deny the application. Due to the lack of three affirmative votes, the motion died.

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 Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow three duplexes in an RS-3 District; that the variance requests of the setback requirements and frontage would not be applicable; subject to the applicant returning to the Board with a new plot plan, and that the applicant meet all of the requirements of the City Water & Sewer Department and City Engineering Department, on the following described property:

Lots 1, 2, 3, 4, 5, & 6, Block 2, Park Second Addition to the City of Tulsa, Oklahoma.

Case No. 12394

Action Requested:

Variance - Section 1215.4 - Off-Street Parking and Loading Requirements - Request for a variance of the required parking spaces from 8 to 5 spaces; and a Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to locate a print shop in a CS District. This property is located at 1434 and 1436 North Lewis Avenue.

Case No. 12394 (continued)

Presentation:

Wesley Johnson was present on behalf of Nick Harlas who owns Harlas Printing Co., 1016 West Archer Street. Mr. Johnson submitted a site plat (Exhibit "Y-1"). Mr. Johnson stated that across the street from the subject tract is a convenience store, located to the north is a vacant lot currently being used as a parking lot, and south of the subject tract, behind Pine Street, is a shopping center. The building in question contains approximately 3,000 square feet and is presently in place and has been utilized for various uses over the years. The parking requirement is requested because generally the only vehicle at the business is Mr. Harlas' personal vehicle except when patrons come by to pick up their printed items. There are never more than two or three cars in front at any one time.

Protestants: None.

Comments:

Chairman Smith inquired as to the number of employees at the subject location and Mr. Johnson stated that Mr. and Mrs. Harlas and one other employee are the only ones who are employed at the subject location.

Mr. Gardner suggested that if the variance is granted that two additional spaces be required and that it be depicted on the site plan as submitted.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Smith, Victor, "aye"; no "nays"; Wait, "abstaining"; Purser, "absent") to approve a Variance (Section 1215.4 - Off-Street Parking and Loading Requirements) of the required parking spaces from 8 to 5 spaces on site, subject to the applicant providing two additional spaces within the building setback area as depicted on the site plan, and a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to locate a print shop in a CS District, on the following described property:

A 300-foot radius surrounding Lot 6 and the South 7.5' of Lot 5, Block 1, and the North 42.5' of Lot 5, Block 1, B. F. Jacobs Subdivision, Tulsa County, State of Oklahoma.

Case No. 12395

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance from the centerline of Quincy Avenue from 40' to 30' for construction of a new building. This property is located at the NE corner of Quincy Avenue and 4th Street.

Presentation:

Marjorie Angove, 325 South Quincy, was present and submitted a plot plan (Exhibit "Z-1") and a plat of survey (Exhibit "Z-2"). Ms. Angove, president of Name Plate, Inc., stated that the Company manufactures industrial type decals and name plates. The applicant intends to add onto the existing structure which they now occupy and the addition will line up with the existing building.

Protestants: None.

Case No. 12395 (continued)

Board Action:

On MOTION of VICTOR and SECOND of CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) from the centerline of Quincy Avenue from 40' to 30' for construction of a new building, in accordance with the drawings submitted, per plot plan, on the following described property:

Lot 12, and the W/2 of Lot 13, Block 18 Lynch & Forsythe Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Case No. 12397

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow a swimming pool on a lot of its own. This property is located at 2225 North Elwood Avenue.

Presentation:

Gordon Schumaker was present representing Gordon McAllister, 2225 North Elwood Avenue. Mr. Schumaker advised that the applicant resides and owns the adjoining property where the swimming pool will be located. Mr. McAllister would not object to having the two properties tied together.

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 410 - Principal Uses Permitted in Residential Districts) to allow a swimming pool on a lot of its own, subject to the execution of the tie contract, on the following described property:

Lot 17, Block 4 thru 5, Amended Oak Cliff Addition in the City of Tulsa, Oklahoma.

Case No. 12398

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Request to permit a restaurant in an Industrial District. This property is located at the SW corner of Memorial and Broken Arrow Expressway.

Presentation:

Roy Johnsen, 324 Main Mall, was present stating that the subject property is zoned industrial and the applicant is requesting permission to locate a restaurant within an existing building. There are at least 3 other restaurants to the south and within this industrial zoned area.

Protestants: None.

Case No. 12398 (continued)

Board Comments:

Mr. Victor asked if sufficient parking would be provided and Mr. Johnsen answered in the affirmative.

Board Action:

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

A part of the SE/4 of the SE/4 of Section 23, Township 19 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit:

Commencing at the Northeast corner of the SE/4 of the SE/4 of Section 23, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma; thence South 0° 03'-00" West along the East line of Section 23 a distance of 430.00 feet to the POINT OF BEGINNING: thence North 89° 57' 53" West and parallel with the North line of the SE/4 of the SE/4 of Section 23 a distance of 380.00 feet to a point; thence North 0° 03' 00" East and parallel with the East line of Section 23, a distance of 326.58 feet to a point; thence North 53° 45' 16" East a distance of 124.07 feet to a point, said point being 30.00 feet South of the North line of the SE/4 of the SE/4 of Section 23; thence South 89° 57' 53" East and parallel with the North line of said SE/4 of the SE/4 a distance of 143.79 feet; thence South 57° 09' 04" East a distance of 162.04 feet to a point on the East line of Section 23; said point being 117.81 feet South of the Northeast corner of the SE/4 of the SE/4 of Section 23; thence South 0° 03' 00" West along the East line of Section 23, a distance of 312.19 feet to the POINT OF BEGINNING, and containing 142,349.72 square feet, or 3.2679 acres, more or less.

Case No. 12400

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the setback from the centerline of Madison Avenue from 55' to 45' and a request for variance of the side yard requirement from 10' to 8' 7"; and a Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow off-street parking in an RM-1 District located at 1709 North Madison Avenue.

Presentation:

Cecil Stanfield, 1424 South Utica Avenue, was present representing Friendship Baptist Church and submitted a plot plan (Exhibit "AA-1"). When the Church purchased the subject property they had no knowledge of an existing sewer on the property running north and south and also east and west. The Church is erecting a sanctuary structure and a fellowship hall and need to separate the buildings to provide 20' through the centerline of the property (two pieces of property) because of the existing sewer. Ninety-five parking spaces have been provided for on the subject property.

Case No. 12400 (continued)

Protestants:

Sandra Alexander was present representing the owners of 1621 North Norfolk Avenue, concerned about the possible traffic problems if access were permitted to this property from Norfolk.

Board Comments:

Chairman Smith asked if Madison Avenue had been vacated and Mr. Stanfield was unsure at this time. There is a dedicated street that goes right through the middle of the proposed site and discussion ensued to the determination if it has been vacated.

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 setback from the center-line of Madison Avenue from 55' to 45' and a variance of the side yard requirement from 10' to 8' & 7"; and a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow off-street parking in an RM-1 District; subject to the vacation of Madison Place at that location between Lots 1 and 16 and that there be no access to Norfolk Avenue, on the following described property:

Lot 9, Block 1, Middleton Addition and Lots 1 and the West 175' of Lot 16, Block 6, Booker T. Washington Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12401

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Request to locate a restaurant in an IL District located at 3012 North 74th East Avenue.

Presentation:

Don Hatz, P. O. Box 51141, was present and submitted a photograph of Tulsa International Airport (Exhibit "BB-1"), a letter from Tulsa Airport Authority informing the Board of details for the proposed restaurant (Exhibit "BB-2") and a plat (Exhibit "BB-3"). The Airport Authority proposes to locate a restaurant for the employees, base tenants, and transients at the Airport. It will not be for public use.

Protestants: None.

Board Action:

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

A tract or parcel of land on Tulsa International Airport, located in Section 23, Township 20 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows:

Case No. 12401 (continued)

Starting at the Northwest corner of Section 23, Township 20 North, Range 13 East; thence East a distance of 2,629.78 feet; thence South a distance of 2,014.85 feet to the point of beginning; thence South 52°37'34" East a distance of 20.00 feet; thence North 37°22'26" East a distance of 345.00 feet; thence South 52°37'34" East a distance of 91.33 feet; thence South 3°04'28" West a distance of 266.00 feet; thence South 31°57'26" East a distance of 201.47 feet; thence South 58°02'34" West a distance of 141.24 feet; thence South 3°04'28" West a distance of 91.14 feet; thence North 86°55'32" West a distance of 360.00 feet; thence North 3°04'28" East a distance of 273.00 feet; thence North 37°22'26" East a distance of 130.63 feet; to the point of beginning, containing 4.40 acres, more or less.

EASEMENT DESCRIPTION:

A tract or parcel of land on Tulsa International Airport, located in Section 23, Township 20 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows:

Starting at the Northwest corner of Section 23, Township 20 North, Range 13 East; thence East a distance of 2,550.49 feet; thence South a distance of 2,118.66 feet to the point of beginning; thence South 3°04'28" West a distance of 194.37 feet; thence North 31°57'26" West a distance of 117.07 feet; thence North 37°22'26" East a distance of 119.25 feet; to the point of beginning, containing 0.15 acres, more or less.

Case No. 12402

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to use a Use Unit 25 and 23 in a CG District. This property is located at the SW corner of I-44 and Union Avenue.

Presentation:

Chairman Smith read a letter from the applicant, Ronald Kelly, requesting that the case be continued to the January 27, 1983 meeting.

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 January 27, 1983 meeting.

Case No. 12403

Action Requested:

Variance - Section 1221.5 - (CS District) - Use Conditions - Request for a variance of the height and size of sign requirements for a sign in a CS District located at 5050 South Lewis Avenue.

Presentation:

Tom Tannehill, 1918 East 51st Street, Suite 2 W, was present representing John Bumgarner, Jr., and submitted five (5) photographs of the subject property and surrounding area (Exhibit "CC-1"), a letter from Les Goddard,

Case No. 12403 (continued)

Chairman and Chief Executive Officer of Western National Bank, stating that they have no objection to the location of the proposed sign (Exhibit "CC-2"), and an elevation plan (Exhibit "CC-3"). Mr. Tannehill advised that his office is located a fourth of a mile from the proposed sign location and feels that it would be an asset to the area.

The proposed sign will be used to advertise the Western National Bank facilities. In 1977 the Board granted a large sign to be located approximately 660' west of the subject tract. Mr. Tannehill advised the Board of other signs in the area and did not feel that the proposed sign would be out of character. According to the Zoning Code using the 2.5' guideline, 962.5 square feet would be permitted for the sign use on the property and the applicant is requesting 672 square feet of sign space. There is presently 128 square feet of sign space already on the property, which would make a total of 800 square feet if the proposed sign were permitted.

Protestants: None.

Board Comments:

The Board felt that the proposed sign would not be appropriate because of the size of the sign.

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 1221.5 (CS District) - Use Conditions) of the height and size of sign requirements for a sign in a CS District, on the following described property:

The South 240 feet of the East 220 feet of the Southeast Quarter (SE/4) of Section 30, Township 19 North, Range 13 East, in Tulsa, Tulsa County, Oklahoma, LESS the East 40 feet and the South 35 feet thereof.

Case No. 12404

Action Requested:

Variance - Section 420.2 (d) - Accessory Use Conditions - Signs - Request for a variance of the allowed square-footage for signs in an RS-3 District from 32 square feet to 40 square feet. This property is located at 9728 East 61st Street.

Presentation:

Wallace Hough, 9147 East 40th Place, was present representing Sun-Crest Baptist Church and submitted two (2) photographs of the property where the sign has been erected (Exhibit "DD-1"). The applicant is requesting a variance to increase the square-footage from 32 square feet to 40 square feet. He stated that the sign in question has already been installed, but if the Board does not approve the variance the Church will take the sign down.

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";

Case No. 12404 (continued)

Purser, "absent") to approve a Variance (Section 420.2 (d) - Accessory Use Conditions - Signs) of the square-footage for signs in an RS-3 District from 32 square feet to 40 square feet, on the following described property:

Lot 1, Block 3, Union Gardens Addition, Tulsa County, Oklahoma.

Case No. 12405

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts- Request for a home occupation (auto garage) in an RS-3 District; and a Variance - Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Request to improve a nonconforming use. This property is located at 3334 North Harvard Avenue.

Presentation:

Rochester Johnson, 2733 North Boston Place, was present and submitted a letter from Fred Peirce, who previously operated a garage and tavern at the subject location before Mr. Johnson purchased the property (Exhibit "EE-1"). Mr. Johnson purchased the subject property in 1968 and has operated a garage at this location and intends to improve the structure for a nonconforming use.

Protestants: None.

Comments and Questions:

Mr. Gardner asked if there would be any inoperable vehicles or parts stored outside and Mr. Johnson advised that he presently has three cars outside, but he intends to restore them and two inoperable vehicles which he intends to use for salvage parts. The Board was concerned that the operation would not turn into a salvage yard.

Mr. Wait asked how many vehicles would be at the property at any one time and Mr. Johnson stated that there would be no more than 4 vehicles at the garage at any one time. Mr. Gardner did not feel that the special exception would be applicable in this case and suggested that the variance be acted upon as a nonconforming use so that it does not become a salvage type operation.

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 approve a Variance (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination) to improve a nonconforming use, subject to all work being performed inside, that the operation be limited to a maximum of four (4) cars on site stored outside, for a five day a week operation, that no outside storage of junk be permitted, to run with this owner only, and that all painting be performed inside, on the following described property:

Beginning at the NE corner of the SE/4, NE/4; thence West 150'; thence South 100'; thence East 150'; thence North 100' to the point of beginning, Section 20, Township 20 North, Range 13 East, in the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 12361

Action Requested:

Request for refund of fees for Case #12361.

Presentation:

The Staff advised the Board that a portion of the case was heard at the previous meeting and the other portion was heard at this meeting. The applicant failed to submit the full legal description for the first meeting.


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 the request for refund of fees.

There being no further business, the meeting was adjourned at 5:23 p.m.

Date Approved: _____

February 24, 1983



Chairman