

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 381
Thursday, February 24, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Smith, Chairman Victor Wait	Purser	Compton 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, February 22, 1983, at 9:03 a.m., as well as in the Reception Area of the INCOG Offices.

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

MINUTES:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve the Minutes of January 6, 1983 (No. 378).

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12453

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the lot width requirement from 60' to 52.5' and a request for a variance of the side yard requirement in order to permit a lot split located at 6304-6306½ East Oklahoma.

Presentation:

Ken Smitz, 13433 South 125th East Avenue, Broken Arrow, requested that the lot be split and submitted a plat of survey (Exhibit "A-1"). The plat also contained signatures of 2 neighbors who are in agreement with the proposal.

Protestants: None.

Comments:

The Staff advised that the lot split was approved by the Planning Commission on February 16, 1983.

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 lot width requirement from 60' to 52.5' and a variance of the side yard requirement in order to permit a lot split (L-15692), on the following described property:

The West 52.5' of Lot 9, Block 2, Exchange Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12460

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Request for a variance of the setback from 50' to 45' in order to put up a sign located at 5402 East 11th Street.

Presentation:

Carey Walters, 5402 East 11th Street, was present representing Waterbeds For Less, and submitted five (5) photographs of the subject property (Exhibit "B-1"). The applicant requested a 5-foot variance of the setback area in order to erect a sign on the lot. The pole sign will be placed approximately 50 feet from the centerline of the street, but the sign will overhang 5 feet into the setback area.

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) of the setback from 50' to 45' in order to erect a sign, subject to the removal contract, on the following described property:

Beginning 35' South and 380.43' East of the NW corner of the NE/4 of the NW/4 on E. line Erie Ave.; thence South 200'; thence East 250'; thence North 200'; thence West 250' to the Point of Beginning, LESS the North 15' of the East 90' thereof in Section 10, Township 19 North, Range 13 East, containing 1.12 acres, in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12465

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the rear yard requirements from 25' to 21' to permit an addition to the existing structure located at 2244 East 34th Street.

Presentation:

Casper Jones was present representing Morris Mizell, 2244 East 34th Street, and requested the variance of the rear yard requirement be granted for an addition to the existing house. Mr. Jones submitted three (3) photographs of the existing residence (Exhibit "C-1"). The house was constructed in the 1950's and at that time met all of the zoning requirements.

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 rear yard requirements from 25' to 21' to permit an addition to the existing structure, on the following described property:

Lot 4, and the West 10' of Lot 3, Block 8, Oaknoll Extension Addition to the City of Tulsa, Oklahoma.

2.24.83:381(2)

UNFINISHED BUSINESS:

Case No. 12429

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request for Use Unit 15 in a CS District located west of the SW corner of Mingo Valley Expressway and Admiral Place.

Presentation:

Kenneth Klein, 4641 South Braden Avenue, Suite 200, submitted an elevation plan (Exhibit "D-1") and a plot plan (Exhibit "D-2"). Mr. Klein, the owner of the subject property, stated that a Dairy Queen is located on a portion of the lot and he intends to construct a building on the remainder of the site to be used for a combination of office and showroom. Some limited storage, in addition to the office and showroom, will be included for light construction, residential construction, business and remodeling. The applicant receives shipments of goods before they are needed and needs a place to store the merchandise. All of the goods will be stored inside the structure which will be a masonry constructed building. The rear portion of the building will be used for storage purposes. The building is approximately 7,750 square feet and approximately 2,000 square feet will be used for inside storage.

Protestants:

Chairman Smith read a letter from Bill Royan stating that the owners of Crosstown Shopping Center, located at Admiral and Mingo Road, are in opposition to the Board approving the Use Unit 15 proposal as it would open the door to fabricating, processing, installation and repair uses (Exhibit "D-3").

Comments:

Chairman Smith asked if the only portion of Use Unit 15 which is being requested deals with the storage aspect and Mr. Klein answered in the affirmative. Mr. Jackere, Legal Counselor, suggested that if the application is approved that the use exclude any fabricating, processing, installation and repair services at the subject location.

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) for Use Unit 15 in a CS District, that the use is for general contracting service and excluding any fabricating, processing, installation and repair, that no outside storage be permitted, that the storage be limited to those materials which are incidental to the building service, and to limit the storage space to 2,000 square feet, per plot plan and drawings submitted, on the following described property:

The West 75' of Lot 3, Block 1, and a part of Lot 2, Block 1, more particularly described as follows:

Beginning at the Northwest corner of Lot 3, Block 1; thence West 97.87' along the North line of Lot 2 to a point; thence South 4° 50' 0" West a distance of 88.00' to a point; thence South 0° 35' 0" West a distance of 56.00' to a point; thence South 18° 25' 0" East a distance of 6.63'; thence East a distance of 103.76' along the

Case No. 12429 (continued)

South line of Lot 2 to the Southwest corner of Lot 3; thence North 150.00' to the point of beginning; all included in Lots 1, 2, and 3, Block 1, the Amended Plat of Block 1, Rosewood Center, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Case No. 12440

Action Requested:

Variance - Section 710 - Principal Uses Permitted in Commercial Districts- Request to allow a storage building on a lot of its own in a CS District located east of the SE corner of 14th Street and Lewis Avenue.

Presentation:

Bill Richie represented the applicant Harold Sims, 1415 South Lewis Avenue, and Braums Ice Cream Company and submitted a plat of survey (Exhibit "E-1"). Mr. Sims is proposing to erect a building on the subject property to be used for storage of small parts to be used in maintaining the thirty two (32) Braums Ice Cream Stores in Tulsa. The proposed structure will be similar to the retail stores and will be constructed of concrete blocks. There will be no outside storage on the subject lot.

Protestants:

Lila Garver, 2415 East 14th Place, expressed her opposition to the application as the proposed structure will decrease property values in the subject area. She also stated that the use would pose a traffic hazard. The fence between the Garvers' property and the Braums' store has not been maintained by the applicant. Ms. Garver also stated that the area has been infested with mice and rats because Braums has failed to keep the lid on the garbage container. She also expressed a concern with the drainage on the subject property as heavy rains cause water to flow down the driveway onto 14th Place.

Comments and Questions:

Mrs. Miller, Protective Inspections, advised that the applicant had submitted a plot plan to her office and presented the plans to the Board. Mrs. Miller stated that there is a 10' setback from the east and north and a 100' setback from the centerline of Lewis Avenue.

Mr. Victor suggested that the application be readvertised for a repair shop. The Legal Counselor, Jackere, stated that if the use were for a repair shop the contractor could service all Braums locations in Tulsa and store the parts at the subject location. Mr. Jackere did not feel that the use needs to be readvertised as Use Unit 15.

Discussion ensued concerning the height of the structure and the proposed roof and Mr. Richie advised that the structure would be approximately 10' high and would have a composition roof. Chairman Smith inquired if the dumpsters could be relocated on the subject property and Mr. Richie answered in the affirmative. The Board advised the applicant that the portion of the fence which has not been maintained needs to be repaired.

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 find that the use is a Use Unit 15 and to approve

Case No. 12440 (continued)

a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow a Use Unit 15 in a CS District, subject to the dumpster presently located at the adjacent Braums' store be located adjacent to the proposed building, that the fence to the east of the Braums' store be repaired, that the south and west sides of the proposed building be bricked to match the Braums' store and that the roof match that store by having a composition roof to match the existing Braums' store, on the following described property:

Lot 5, Block 4, City View Hill II Addition in the City of Tulsa,
Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 12428

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the lot width from 60' to 47.5', a variance of the lot area from 6,900 sq. ft. to 4,750 sq. ft. A variance of side yard requirements from 5' to 0' and a variance of setback from 55th Place and Quincy Avenue from 50' to 35' and 45' to allow for lot split of duplexes located at East 55th Place and Quincy Avenue.

Presentation:

The Staff advised that at this time only the variance of the side yard requirements should be acted upon by this Board. The Board previously approved duplexes on the subject property and the applicant now intends to eventually separate those duplexes down the common party wall. The duplexes can then be sold individually. The case has not been heard by the Planning Commission as of yet and will not be heard until the duplexes are substantially underway. The applicant is not permitted to receive a building permit until the variance of the side yard requirements and setback requirements are approved by this Board. Mr. Gardner suggested that the Board act on those two aspects and continue the variance of the lot width and lot area when the duplexes are substantially underway. The Staff also advised that a new plot plan needs to be submitted to reflect the setback and side yard variances.

Richard Holmes, 1201 Fourth National Bank Building, stated that the new plot plan is exactly the same as was previously submitted with the only difference of 5' off of the lots. Both of the lots were 95' lots. The variance request of setback is from 50' to approximately 36' from 55th Place South and from 50' to 45.6' from Quincy Avenue.

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 side yard requirements from 5' to 0' and a variance of the setback requirements from 50' to 36' from the centerline of 55th Place and from 50' to 45.6' from Quincy Avenue, and that the remaining portion of the request be continued to March 24, 1983, to allow the applicant time to make lot split application

Case No. 12428 (continued)

to the Planning Commission, on the following described property:

Lot 7, Block 6, J. E. Nichols Addition in the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12447

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the side yard requirements from 10' to 2' located at 712 North Trenton Avenue.

Presentation:

Max Rader, 2228 East 11th Street, presented a plot plan (Exhibit "F-1") and two (2) photographs of the existing house (Exhibit "F-2"). Mr. Rader, a residential construction worker, stated that he is constructing a bedroom addition onto the existing residence. The applicant has talked with the neighbors concerning the proposed addition and they have no objection to the request. Mr. Rader advised that the addition will be an asset to the house and to the surrounding area.

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 side yard requirements from 10' to 2', per plot plan, on the following described property:

Block 10, Lot 2, Ingram-Lewis Addition in City of Tulsa, Tulsa County, Oklahoma.

Case No. 12449

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a mobile home; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwellings on one lot of record located at 13112 East 14th St.

Presentation:

Bernadean Sweet, 13112 East 14th Street, was present and requested permission to place a mobile home on the subject property which already has an existing residence. The mobile home will be occupied by Mrs. Sweet's son and daughter-in-law when they are married. Mrs. Sweet submitted the approval of the septic tank system on the existing residence from the Health Department (Exhibit "G-1").

Protestants:

Mrs. Cecil Allen, 1437 South 131st East Avenue, stated that the subject property is located at the SW corner of their property and advised that many new homes are being built and refurbished since the tornado in 1975. She stated that the septic tank system would not be adequate for both residences and advised that there is a lot of water standing in the applicant's yard.

Case No. 12449 (continued)

Joseph Chumley, 1414 South 133rd East Avenue, stated that he opposed the application because there would be no street frontage for the mobile home. He felt that the Health Department would not approve a second septic system because water continually remains in the applicant's yard. It was also advised that there are two storage buildings on the subject property and one is being used for a business.

Comments and Questions:

Mr. Jackere, Legal Counselor, advised that the variance is not needed. Chairman Smith asked where the mobile home would be placed and Ms. Sweet advised that it would be located on the east side of the lot approximately half-way between the house and the back of the lot.

Mr. Victor asked if a business was being operated out of one of the storage buildings and Mrs. Sweet stated that she uses one of the buildings as a workroom in which she makes draperies. Mr. Victor asked if there were other employees at this location and Mrs. Sweet stated that one other individual helps her. Mr. Victor advised the applicant that she needs to make application for a home occupation and would not be permitted to have any employees other than family members living on the premises.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow a mobile home, on the following described property:

The E/2 of Lots 7 and 8, Block 11, Romoland Addition in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12450

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential District - Request to allow an accessory building on a lot of its own located at the SW corner of 36th Place and 27th West Avenue.

Presentation:

Oscar Gene Griffith, 1823 West 51st Street, stated that he collects antique cars and proposes to construct a 36' x 80' accessory building on the property as the principal use. The cars will be stored in the accessory building, but they will not be sold or worked on at the subject property. Occasionally the cars would be taken to antique car shows. Mr. Griffith stated that he owns approximately 30 cars and submitted 27 photographs of the subject property and surrounding properties (Exhibit "H-1").

Protestants: None.

Comments:

Discussion ensued concerning the enormous size of the proposed structure and Mr. Griffith stated that he originally planned to construct a 36' x 80' building and advised the building will only be temporary in nature and does not have to be as big as proposed. Mr. Victor stated that he could not support the application because of the size of the proposed

Case No. 12450 (continued)

building and the fact that the structure is temporary in nature.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Victor, Wait, "aye"; Smith "nay"; no "abstentions"; Purser, "absent") to deny a Variance (Section 410 - Principal Uses Permitted in the Residential District) to allow an accessory building on a lot of its own, on the following described property:

Lot 1, Block 12, Original Townsite of Red Fork, Tulsa County, Oklahoma.

Case No. 12451

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Commercial Districts - Request to allow a mobile home in an RS-1 District located at 17102 East 14th Street.

Presentation:

Roy Kelley, 17320 East 14th Street, stated that he owns the 2½ acre subject tract and proposes to place a mobile home on that lot. Mr. Kelley has talked with the adjoining property owners and they have no objection to the request. A percolation test has been made on the property and it did perc.

Protestants: None.

Board Questions:

Chairman Smith asked if there are other mobile homes in the surrounding area and Mr. Kelley stated that there are several mobile homes north on 11th Street and one to the east. Mr. Kelley advised that the closest residence to the mobile home is approximately 500' away.

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 Commercial Districts) to allow a mobile home in an RS-1 District, for a period of one year, removal bond required, subject to the issuance of a building permit and approval of the Health Department, on the following described property:

Lot 3, Block 9, Lynn Lane Estates Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12454

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow use as a temporary on-site sales and construction office located at 5723 East 99th Street.

Presentation:

Jay Shields, P. O. Box 52085, was present and represented Coventry Homes, Inc. The applicant is requesting that the special exception

to allow the use as a temporary (6 month) sales office and construction site in a residence. The proposed office has a two-car double wide driveway which would pose no parking problems. The applicant feels that the proposed site would be the best location because the company is in the process of constructing five homes within two blocks of the subject property and have completed four others which need to be sold. The primary operation at the subject property will be answering telephone calls, performing secretarial tasks and selling homes in this area. The business will not generate any unnecessary traffic and will be limited to daytime hours (Monday thru Friday) with the exception of sales which would primarily be done on weekends.

Protestants:

Clarence Healey, 6731 East 99th Street South, submitted an agenda concerning the protests and concerns of the Sheridan Hills South Homeowners Association (Exhibit "I-1"); a protest petition containing approximately 87 signatures of property owners in the immediate area (Exhibit "I-2"); a letter from Arrowhead Builders, P. O. Box 35276, stating their opposition of the proposed use (Exhibit "I-3"); a letter from the Sheridan Hills South Company, 2227 East Skelly Drive, the developers and owners of the residential subdivision, stating their opposition (Exhibit "I-4"); four (4) photographs of cars and trucks parked in the driveway and blocking the street (Exhibit "I-5") and a notice from the U. S. Postal Service issued to Doris Gilardoni, 6720 East 99th Street South, because a truck used in the proposed business was blocking her mail box (Exhibit "I-6").

Mr. Healey advised that the subject area is zoned residential in nature, but the applicant is operating a commercial business. He also expressed a concern for the safety of the school children in the area as they leave for school and as they return home because of increase in traffic. If the application is approved the use could decrease property values in the immediate area, therefore, the residents in the area request that the application be denied.

A gentleman who did not give his name stated that the operation has been at the subject location since last summer and stated his opposition to the approval.

There were several individuals present in protest to the application who did not wish to speak.

Comments:

Mr. Smith inquired if the lots surrounding the subject lot was vacant or occupied and Mr. Shields advised that the lot to one side is vacant and the lot to the other side is being occupied. Mr. Jackere, Legal Counselor, advised that this application lies within the Use Unit 2 - construction facilities (temporary open-air activities). One condition is that the use shall not be located nearer than 100' to any lot containing an occupied dwelling without consent from that owner. It was determined that there are three occupied dwellings within 100' of the residential structure in question.

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 deny a Special Exception (Section 410 - Principal

Case No. 12454 (continued)

Uses Permitted in the Residential Districts) to allow use as a temporary on-site sales and construction office, on the following described property:

Lot 20, Block 10, Sheridan Hills South Addition, Tulsa County, Oklahoma.

Discussion:

One of the protestants inquired as to the time period in which the applicant would have to vacate the premises and the Legal Counselor advised that the applicant can appeal the case to District Court within 10 days. If after the 10-day period is over and the applicant has not filed an appeal, action can be taken to vacate the premises. If an appeal has been filed other considerations can be taken.

Case No. 12455

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow more than one dwelling per lot of record; and a Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow a mobile home in an RS-3 District located at 4630 North Lewis Avenue.

Presentation:

Betty Self, 4630 North Lewis Avenue, advised that she owns the 2½ acre subject tract. There are presently three homes and two mobile homes on the lot which Ms. Self is requesting approval. The lot has not been split but each dwelling is enclosed by a designated fence around them. Ms. Self resides in the front house with the two other houses and two mobile homes used for rental purposes. The three houses have been on the subject property from 30 to 50 years and the two mobile homes have been on the property for approximately two years. The application came to the Board's attention because the applicant attempted to get a permit for a gas line to have separate meters for each mobile home. The two mobile homes are presently on the same gas line as the third house.

Protestants:

Roy Comer, 1730 South Norfolk Avenue, stated that he owns the property just south of the subject property and is using the residence on his property for rental purposes. Mr. Comer advised that the soil in the immediate area is in poor condition and was concerned about the septic system on the subject property. He also advised he is opposed to the mobile homes being permitted because the surrounding area is a residential area.

Comments:

Mr. Victor inquired as to the type of fence which is separating the dwellings and Ms. Self advised that a chain link fence separates the residences. Discussion ensued concerning the number of dwellings permitted. The Staff advised that the Zoning Ordinance allows for only one dwelling on one lot, but the applicant has five dwellings on one lot of record. Apparently the three houses have been in existence for many years and the mobile homes for approximately two years. Obviously, there was no Zoning Clearance or Building Permit obtained for the residences. The Board and the Staff questioned if the Health Department approved the system. Mr. Gardner suggested that the Board might continue the case so

Case No. 12455 (continued)

they can review the case with the Health Department. The Board inquired as to the sanitary system on the property and Ms. Self advised that she had more lateral lines installed on the property when the mobile homes were placed on the property, but did not go through the Health Department concerning the matter.

Ms. Self stated that she did not want to have the dwellings on the property illegally and wanted to get approval from this Board. The Board suggested that the case be continued to allow the Staff to field check the property and to allow the Health Department to review 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 continue this item for two weeks to March 10, 1983, to allow the installation of the lateral lines to be checked by the Environmental Protection Division of the City-County Health Department (Mr. Sid Smart) and to allow the Staff an opportunity to view the site.

Case No. 12456

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to allow two dwellings on a lot of record. (Applicant wishes to convert a detached garage into an apartment) located at 4611 East 4th Place.

Presentation:

Debra Starnes, 4611 East 4th Place, advised she currently owns the subject property and lives in the house on the tract. The applicant proposes to convert the existing detached garage into an apartment and submitted a plot plan (Exhibit "J-1"). The present facility has plumbing, electricity, gas and finished walls in the interior. The only outside portion of the structure which will be changed is to change the broken garage door into a wall. The only other change to be made is the extra parking facility which will be placed in front of the existing house and the adjoining neighbor has no objection. The driveway will be shared with the adjoining neighbor. The proposed structure will be 19' wide and 27' long.

Protestants:

Eugene Colleoni, District #4 Chairman of the Greater Tulsa Council, advised that there are several protestants to this application. He referred to the Zoning Code and advised that this area is zoned for one single-family dwelling per lot of record. He stated that the plans as proposed, would violate the District's Plan and would set a precedent in the area.

Joy Clinton, 4631 East 4th Place, submitted a protest petition containing approximately 33 signatures of surrounding property owners (Exhibit "J-2"). She stated that she is in protest to the application because the lot in question is too small for two dwellings. The parking would be a hazard to the neighborhood and Ms. Clinton did not feel that adequate parking would be provided.

Case No. 12456 (continued)

Applicant's Rebuttal:

Ms. Starnes stated that she has talked with her neighbor with whom she shares the driveway and she has no objection to the proposal. She advised the Board of other duplexes, garage apartments, and apartment complexes in the surrounding 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 allow two dwellings on a lot of record, on the following described property:

Lot 370, Block 2 of the Resubdivision of Lots 11, 12, 13, 14, 15, Block 2, Rodgers Heights Subdivision, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 12457

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwelling units on one lot of record located at 4032 East 111th Street.

Presentation:

C. M. Reinkemeyer, 4032 East 111th Street, stated that he owns the 16-acre subject tract and presently resides in the existing small house on the property while a larger one is being constructed where he will move when completed. The applicant was issued a Building Permit last year through an error and the Inspections Department is requesting that the variance to permit two dwelling units on one lot of record be granted.

Protestants: None.

Board Questions:

Mr. Victor asked if the small house would remain in existence when the larger one is completed and Mr. Reinkemeyer stated that his maintenance man will live in that small structure. The homes are so close together that either a relative or hired hand would reside in the small residence.

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 208 - One Single-Family Dwelling Per Lot of record) to allow two dwelling units on one lot of record, on the following described property:

The NE/4, SE/4, NW/4 and the S/2, SE/4, NE/4, NW/4 and the East 44 feet of the North 990 feet of the NW/4 of Section 33, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 12458

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Request to allow a mobile home in an RS-3 Zoned District

2.24.83:381(12)

Case No. 12458 (continued)

located at 5400 South Olympia Avenue.

Presentation:

Carl Funderbuck, 5400 South Olympia Avenue, submitted two (2) aerial photographs of the subject property (Exhibit "K-1"). Mr. Funderbuck represented Whiteside YMCA and requested permission to locate a mobile home on the 27-acre tract for the camp director to reside and to oversee the property.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow a mobile home in an RS-3 Zoned District, for a one-year period, removal bond required, on the following described property:

The SE/4 of the NW/4 of Section 35, Township 19 North, Range 12 East, save and except the approximate ten (10) acres on the West side thereof, condemned by the State of Oklahoma for highway purposes in Tulsa County, State of Oklahoma, containing 27½ acres more or less.

Case No. 12459

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance to permit a 7' side yard setback instead of the required 10' setback located at 6432 South Pittsburg Avenue.

Presentation:

Paul Beggs was present representing Rod and June Huse, 6432 South Pittsburg Avenue, and advised that the subject area has been developed as a single-family residential area. Due to an oversight in the past, the area was zoned RM-1 which requires two 10' side yards. The applicant requested a 3' variance on one side yard which would provide for a 7' side yard setback, and a 10' side yard setback on the other side. A plot plan was submitted (Exhibit "L-1").

Protestants: None.

Board Comments:

Chairman Smith advised that the Board has granted a number of side yard setback variances in this subdivision in the past.

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) to permit a 7' side yard setback instead of the required 10' setback, per plot plan, on the following described property:

Lot 28, Block 2, Livingston Park South, Tulsa County, Oklahoma.
2.24.83:381(13)

Case No. 12461

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office District - Request for a variance of the livability space from 600 square feet to 504 square feet and a request for a review of the plot plan located at the NW corner of 21st Street and 89th East Ave.

Presentation:

Mike Martin represented Charley Smith, 1918 South 89th East Avenue, and submitted a plot plan, floor plan, and elevation plans (Exhibit "M-1"). Mr. Martin advised that the use as a life retirement center was previously approved by the Board, subject to the applicant returning with a site plan and elevation plans. The livability space is approximately 504 square feet, or approximately 568 square feet including the walkways and the paved area. Mr. Martin advised that the adjoining neighbor has been advised of the proposal and has no objections. The Board reviewed the plans as submitted.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office District) of the livability space from 600 square feet to 568 square feet to include the walkways and plaza areas, on the following described property:

The South 350' of the East 158.5' of Block 10, O'Connor Park in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12462

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a home occupation (Custom Art glass workshop, photography darkroom, law service) in an RS-3 District located at 2106 South Atlanta Place.

Presentation:

Sam Cassidy, 2106 South Atlanta Place, requested the special exception to allow a home occupation. Mr. Cassidy advised that he is an attorney and would like to practice law out of his home. The applicant advised that he uses photography in his work because he specializes in personal injury cases and at times, needs to take photographs in the hospital or at the scene of the accident. The applicant's wife is a stained glass artist and wishes to work in the home also. Mrs. Cassidy does not sell her stained glass windows out of her home, but builds the windows at the residence and enters her work in contests. Mr. Cassidy advised that most of the property surrounding the subject property is commercial. There are vehicles constantly parked in front of the applicant's house because of the overflow from the office parking lot across the street.

Protestants:

Frank Ulsup, 2123 South Atlanta Place, advised that there are only 6 other houses in the subject area and advised that the subject area is

Case No. 12462 (continued)

a quiet residential street. Mr. Ulsup advised that if the application is approved, off-street parking would be present in the area causing a traffic hazard. There are approximately 3 to 5 cars parked in front of the applicant's house at most times.

Frank Hettinger, 320 South Boston Avenue, attorney representing Bert Pyler who lives in the subject area, advised that there is a no parking sign across from the applicant's residence, but numerous cars park in this area. South Atlanta Place is a cul-de-sac and many visitors are unaware that the street ends and proceed to create a traffic hazard and congestion.

M. S. Sublett was present and represented his wife and her brother who reside in the house adjoining the subject property, and advised that the immediate area is a residential area and should not be used for business.

Don Braley, a property owner in the area, advised the Board of the traffic congestion already present in the area.

Board Comments and Questions:

Mr. Victor asked how many individuals would come to the subject property during the week and Mr. Cassidy advised that there would be from 1 to 2 clients who would come to the property in one day. Chairman Smith asked if Mrs. Cassidy would have her supplies delivered to the house and Mr. Cassidy advised that his wife obtains most of her own supplies and there would be no deliveries made to the home.

Applicant's Rebuttal:

The applicant advised that there have always been traffic problems in this area. When the parking lot across the street becomes full individuals park on the nearest residential street in the area which is South Atlanta Place. Mr. Cassidy stated that he does not anticipate any traffic coming to his residence which would create greater problems.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 2-2-0 (Chappelle, Victor, "aye"; Smith, Wait, "nay"; no "abstentions"; Purser, "absent") to approve the Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow a home occupation (custom art glass workshop, photography darkroom, law service) in an RS-3 District, subject to the applicant complying with all of the home occupation regulations, and to run with this owner only, on the following described property:

Lot 1, Oaklane Addition, a Resubdivision of parts of tracts 19, 20, 29, and 30, of Harter's Second Resubdivision to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Due to the lack of three affirmative votes the application was denied.

Case No. 12463

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request for a home occupation (recording studio); and a Variance - Section 440.2 (a) - Special Exception Uses in Residential Districts, Requirements - Request for a variance to allow one employee in a home occupation located at 1423 South Xanthus Avenue.

Presentation:

The applicant, Sallie Slane, was not present.

Chairman Smith read a letter from Robert Nichols, who is representing Ms. Slane, and requested that the application be continued to the March 24, 1983 meeting (Exhibit "N-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 March 24, 1983 meeting.

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request for a Use Unit 2 (Pre-release Center). This property is located at 506 North Cheyenne Avenue.

Presentation:

Joe McCormick, 1776 One Williams Center, attorney representing the Volunteers of American stated that the applicant is proposing to locate a pre-release center on the subject property. The building in question was previously used for a service army citadel and has been used for community purposes. The structure contains a chapel, dining hall, space for classrooms, and sleeping facilities which would be most appropriate for the proposed use. The structure is vacant at this time. The structure would house approximately 60 residents during the last months of their prison term who would be employed and would pay a portion of their upkeep. There will be supervisors at this location 24 hours a day. If the residents violate the rules or the law they will be subject to return to prison. The center is designed to provide a structured environment for mostly former Tulsans to aid in re-entering society.

Volunteers of American is similar to the Salvation Army and has been in existence for 86 years. The Volunteers have a similar pre-release center in New Orleans that has been very successful, only having two incidents in the past ten years that required police action.

Mr. McCormick strongly advised that a pre-release center is needed in Tulsa. There are approximately 20% of the Oklahoma convicts which come from Tulsa and most of these return to Tulsa. If a training program is provided for these individuals, they will be responsible individuals and ready to re-enter society. If a program such as this is not provided, the prisoners will soon return back to crime.

Mr. McCormick did not feel that the use would have an adverse affect on the surrounding area. The area is buffered between the expressway with a strip shopping center located next door west and an apartment complex located across the street east. A letter was submitted from the owner of the apartment complex, Charles Shipley, who stated that he is in support of the application (Exhibit "0-1").

Protestants:

Reverend Lawrence P. Lakey, 1715 West Haskell, executive director of the Tulsa Urban League, submitted a protest petition containing approximately 725 signatures of property owners in the surrounding area (Exhibit "0-2"); a letter from Tom Summers, Tulsa County Superintendent of Schools, expressing his opposition to the request (Exhibit "0-3"); a letter from Lincoln Property Company stating their strong objection to the proposed use (Exhibit "0-4") and two booklets indicating significant new developments proposed which will enhance the North Tulsa area (Exhibit "0-5").

Mr. Lakey expressed his appreciation to the Board for their consideration and time in dealing with the Pre-release Center. Reservoir Elementary School, Emmerson Elementary School, Burroughs Elementary School, and Carver Middle School are located from four-tenths of a

Case No. 12464 (continued)

mile to one and one-half mile from the proposed location. It is felt that the proposed location is not conducive to the well-being of the children which are enrolled in these schools.

The City made an economic development study on North Tulsa and it was determined that this area suffered from a negative image by developers and investors. In 1981 the City spent approximately \$98,000 in redevelopment to change the negative image. Many of the homes contiguous to the site have been greatly improved also. If the Pre-release Center is permitted in this area it would only have a negative affect on the finances and marketing of the development in this neighborhood.

T. Oscar Chappelle, Sr., 1136 East 26th Place North, represented the Christian Ministers Alliance, a group of 31 ministers of churches in North Tulsa, and expressed many of the same concerns as Mr. Lakey. Mr. Chappelle advised that Lincoln Property Company has planned a large residential development consisting of apartments, townhouses and condominium complexes for the North Tulsa area contingent upon this area eliminating those negative elements in the neighborhood. The ministers who are being represented feel that if a pre-release center is approved it too would cause a negative impact and requested that the use be located elsewhere.

Alvin McDonald, 2110 Jasper, submitted a protest petition signed by approximately 218 individuals who live in Gilcrease Hills and they are opposed to the application (Exhibit "O-6"). Mr. McDonald advised that he is a police officer and has had to go into the downtown area and arrest inmates of the existing work pre-release center.

Peggy Lanum, 751 North Denver, stated that she lives three blocks from the subject property and feels that the pre-release center is a community responsibility and added that North Tulsa has met its community responsibility to Tulsa. If the use is a Tulsa responsibility it should be located somewhere other than North Tulsa. There are many good schools in the area which are attracting new families into this area which will prove to be an asset to the neighborhood.

George McCutchen, 2341 North Elwood Avenue, was present representing Roosevelt Hills Neighborhood Homeowner's Association which consists of approximately 90 households who feel that the center should be located at some other site.

Edward Jones, president of the Heritage Hills Homeowner's Association, which is a new development in the North Tulsa area referred to Section 110.1 of the Zoning Code which deals with encouraging the industrial, commercial, and residential growth of the community and Section 1202.1 which notes that uses because of their potential adverse influence on adjacent properties requires site review and Board of Adjustment approval. He stated that the purpose of the Board is to help morals, views and financial prosperity of a neighborhood. Increased deterioration and increase in the criminal activity would not be an encouragement to potential investors, therefore, another location must be sought for this use.

Melvin Bailey, 140 East Latimer Place, was present representing the Baptist Ministers Conference who are requesting that the application be denied as it is not in the best interest of the surrounding area. He also stated

that the subject area would not present a good environment for rehabilitation as many in the area have problems of their own such as drugs and prostitution which could create even more problems.

Jack Musick, 505 North Denver, stated that he operates the Al Musick Drug Stores and also owns two other pieces of property in the subject area. He felt that the application should be denied as the rights of the people living in this area should be considered.

Dennis Fletcher, president of the Gilcrease Homeowner's Association, was present and represented 700 residents in this particular area. Mr. Fletcher advised that he was in attendance at the community meeting held last night and was advised that the only two criteria for locating a pre-release center is the affordability and suitability of the site. He felt that consideration should be given to the neighborhood and stated that the proposed location is not conducive for the use and urged that the application be denied.

Protest letters from Tulsa Urban Renewal Authority (Exhibit "0-7") and Frenchie Loving (Exhibit "0-8") were submitted for the Board's review.

Interested Parties:

Francis Campbell, City Auditor, was present and stated that he had served for three (3) years on the Crime Commission in establishing a work release center, the John 3:16 Center, and has worked with the Department of Corrections to relocate the Work Release Center. Mr. Campbell also advised that he aided in the location of the Horace Mann Center and has helped to locate the Pre-release Center on two other sites in Tulsa. The Pre-release Center is needed as there are an average of 500 prisoners released every year who come back to the Tulsa area and are in need of a pre-release center to aid their re-entering the community. Providing a pre-release center has reduced the number of prisoners who return back to crime, once released, by approximately 40 percent. He urged the Board to approve the application.

Evelyn Jones, who lives within blocks of the proposed site, stated that the Pre-release Center should be approved as it would be an excellent opportunity to reach out and help those people in need and fulfill part of our Christian duty.

Applicant's Rebuttal:

Mr. McCormick advised that the protests expressed are based on two matters; that the Pre-release Center is being heaped on North Tulsa and the second issue is that the use will automatically create an economic detriment to the area. Mr. McCormick advised that the proposed site is within the Inner Dispersal Loop and is not within Gilcrease Hills. The applicant also stated that the use would not create an economic detriment because the Williams Center was erected close to the John 3:16 structure when it was in use. Another building was refurbished and rebuilt located close to the Horace Mann location.

Protestant's Rebuttal:

Wilbur Moore, a photographer for Channel 6, was present and stated that the John 3:16 building and the structure close to the Horace

Case No. 12464 (continued)

Mann location is no longer in place. He advised that if the application is approved that economic detriment will be present.

Reverend Lawrence Lakey once again suggested that the Pre-release Center be located at another site and suggested that it be located in South Tulsa. He did not feel that it was appropriate for a city official to use his influence in locating a pre-release center in North Tulsa. Francis Campbell advised the Board that he had urged that the location of a work-release center be approved at 38th Street and Memorial Drive. He also said that he supported the Pre-release Center in the Kendall-Whittier area.

Board Comments:

Mr. Wait stated that he is in sympathy with the efforts of the Volunteers of America and those supporting the application. He stated that the proposed use is a worthwhile project, but in the face of the tremendous amount of opposition, he could not support the application.

Mr. Victor advised that, as a Board member, it is very difficult to make some of the decisions which they are faced with. The Volunteers of America and their actions deserve every citizen's support and it is difficult to vote in opposition to a good work. The community and several individuals have spoken out and voiced their opposition to the location of the Pre-release Center.

Chairman Smith once again reiterated the difficulty in making a decision concerning this matter. He stated that he considered the location with the expressway buffer to the north, the proximity to the downtown area and its closeness to the police facility and feels that the use would be appropriate to the proposed location. He suggested that if the Pre-release Center cannot be located at this site there is no location appropriate in Tulsa.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Victor, Wait, "aye"; Smith, "nay"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) for a Use Unit 2 (Pre-release Center) on the following described property:

Lot 4, Block 3 and the South 10' of Lot 3, Block 3, Original Townsite, in the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to permit a duplex in an RS-3 District; and a Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the lot area from 9,000 square feet to 7,000 square feet and for a variance of the frontage from 75' to 50' located at 1333 East 36th Street.

Presentation:

Charlie Burris, 2925 East 57th Street, was present on behalf of Joe Duca and submitted a plot plan (Exhibit "P-1"). Mr. Burris and Mr. Duca who owns the subject property propose to construct a duplex on the tract. An application was made previously to the Board to allow two duplexes on the property, but that application was denied. The Board did grant a lot split on the property. The applicants have prepared and sold the single-family residence on the east-half of the property and now are planning to construct the duplex on the west-half of the lot. The single-family residence on the east-half of the property would serve as a buffer and the proposed duplex would create a buffer for the existing rental property to the west. Off-street parking will be provided which will not increase the parking problem in the neighborhood. Four parking spaces will be provided for the duplex unit allowing for two spaces per side.

Protestants:

David Ray, 1341 East 36th Street, was present and submitted a protest petition containing approximately 27 signatures of individuals living in the subject area (Exhibit "P-2"). He stated that if the duplex unit is approved it would tend to overcrowd the lot and advised that he would not be opposed to a single-family dwelling.

John McMahan, 1330 East 36th Street, stated that the proposed duplex unit does not meet the zoning requirements and he did not feel that the application should be approved because a hardship was not existing. Mr. McMahan also advised that the District 6 representative, Bob Paddock, had expressed his general disapproval as it would violate the spirit and intent of the Zoning Code.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Victor, Wait, "aye"; Smith, "nay"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to permit a duplex in an RS-3 District; and a Variance (Section 440 - Special Exception Uses in Residential Districts, Requirements) of the lot area from 9,000 square feet to 7,000 square feet and a variance of the frontage from 75' to 50' on the following described property:

The West 50' of Lot 11, Block 4, Olivers Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance - Section 710 - Principal Uses Permitted in the Commercial District - Request for an appeal from a decision to permit a facility to salvage aluminum cans in a CS District and a request for the Board to determine which use unit this operation will fit in; and a Variance-Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the setback requirements from the centerline of 25th West Avenue located at the NE corner of 25th West Avenue and Edison Street.

Presentation:

Casper Jones, 1302 South Fulton, was present on behalf of Recyc-Al, Inc., of Wichita Kansas. The applicant requests that the Board make a decision to determine which use unit the operation qualifies for. The Building Inspector has referred to the use as a salvage operation and the applicant has filed an appeal to that affect. The City of Wichita considers the Golden Goat structures as an accessory use to the principal commercial use. Mr. Gardner advised that the Staff has a different view and would classify it as a business service which is considered under Use Unit 15. The location of this particular Golden Goat located on the Safeway property on 25th West Avenue is approximately 70' from a single-family residence to the north and within 100' from other residences to the west.

A three minute film clip from the October 20, 1981, PM Magazine program in Wichita, Kansas, was shown concerning the Golden Goat operation.

Dennis D. Dusek, president of Recyc-Al, Inc., was present to answer questions by the Board and submitted a booklet containing information concerning the operation of the Golden Goat (Exhibit "Q-1").

Protestants:

Stan Ewing, 2129 North Vancouver Avenue, was present in protest to the application and submitted a letter from Floyd Zook, Chairman for District #11 of the Greater Tulsa Council, requesting that the Board uphold the decision of the Building Inspector and deny the location of the proposed operation (Exhibit "Q-2"). Mr. Ewing advised that the Golden Goat would be located near the primary entrance of the Gilcrease and Skyline West residential subdivisions. The Gilcrease subdivision does not allow metal buildings in this area and the Golden Goat would be classified as a metal building. The building would also encroach on the building lines and would not be free of overhead powerlines. Mr. Ewing suggested that the operation of the machine would fall under Use Units 25, 26 or 27, which deals with manufacturing and industry.

Six (6) photographs of the Golden Goat structure were submitted to the Board showing their unsightliness (Exhibit "Q-3"). The panels of the building have been dented, the paint has peeled off, the trash particles were near the receptical. A more appropriate location for the structure would be in an industrial area.

Dwight Rosenbaum, 2136 South Waco Avenue, stated that he is on the Architectural Review Board for Gilcrease Hills and is the first alternate for District #11 of the Greater Tulsa Council and expressed his concern and protest to the application. If the use is approved it would

Case No. 12467 (continued)

decrease property values because the structure will be located by the main entrance to the two subdivisions as was previously stated and approximately one-half mile from the Gilcrease Museum. The residential owners in this area desire to have a clean and well-kept neighborhood. If the application is approved it would violate the self-imposed restrictions which Gilcrease property owners composed.

Discussion:

Discussion ensued concerning the cleanliness of the operation and Mr. Dusek advised that the Golden Goat containers are unloaded and the contents are shipped off three times a week. A minimum of four times a year the recepticals are spray cleaned and are constantly sprayed for bugs. The containers serve as an asset and benefit the surrounding area in cleanliness to encourage individuals to dispose of their aluminum cans in this manner.

Mr. Dusek advised that he did not desire to infringe upon the aesthetic values of the area but felt that the use would be an asset to the community.

Discussion ensued concerning the appropriate use unit which the operation would be considered. The Board felt that if the application were approved that the Golden Goat facility should be located closer to the Safeway Store so it would be less of an influence on the neighborhood. Mr. Jackere, Legal Counselor, advised that it is within the Board's power to place conditions on the location of this structure. If the Board considers this operation a Use Unit 15 they must consider other similar operations in a CS District.

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") that the Board finds this particular use under Use Unit 15.

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 DENY a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to permit a facility to salvage aluminum cans in a CS District; and to DENY a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) of the setback requirements from the centerline of 25th West Avenue, on the following described property:

The West 328 feet of Lot 1, Block 1, Gilcrease Hills Center, Osage County, Oklahoma.

Case No. 12468

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Request to allow a truck storage yard in a CS District located at the NE corner of 131st East Avenue and 11th St.

Presentation:

Harold Miller, 5200 South Yale Avenue, attorney representing the applicant J. D. Hines, advised that Mr. Hines presently operates a trash
2.24.83:381(23)

hauling service and is under contract with the City of Tulsa to haul residential trash. The applicant owns 6 trucks which he uses to remove trash from the residences and is requesting permission to build a 50' x 60' metal storage building on the property. The building will allow the applicant to service the trucks at the subject location. A privacy fence will be erected around the entire storage yard and landscaping will be provided in the front of the property. Mr. Miller advised that Mr. Hines was notified the Tulsa City-County Health Department, Environmental Protections, and Tulsa Refuse Department concerning the proposal and they do not foresee any health problems. There will be no trash kept in the trucks over night and the trucks will be kept clean.

Mr. Jackere, Legal Counselor, advised that the request would not be a special exception, but would be a variance which would require the finding of a hardship. The proposed use would be considered under Use Unit 23. Mr. Miller advised that he was not aware that a hardship was required and requested that the application be continued. The Staff advised that the Board denied a similar request located on the south side of 11th Street, one-half mile east of Memorial which was also located in a commercial district. The Board decided to hear the protestant's comments before a decision was made whether to continue the application.

Protestants:

Charlotte Sumner, 13110 East 11th Street, submitted a protest petition containing approximately 106 signatures of property owners in the immediate area (Exhibit "R-1"). There is a school bus stop within yards of the proposed location which would create a safety hazard for the children in the subject area. Ms. Sumner also advised that many of the residents in the area did not receive notice of the hearing. If the application is approved it would tend to decrease property values in the residential area. Ms. Sumner also expressed a concern with the noise of the trucks as they depart from the property early in the morning and was concerned with the smell of the trucks. Rats have suddenly appeared since the trucks have been on the property.

Dianna Hankins, 1101 South 131st East Avenue, stated that she was opposed to the application as it would decrease property values in the area and because of the noise created by the trucks.

Betty Carlin, 13111 East 11th Street, advised that she owns a veterinary hospital at this location. If the application is approved the use would not be aesthetically pleasing to the surrounding area.

Clyde Ligons, 13151 East 11th Street, advised that his property is located within 10' of the subject property. The surrounding area has been greatly improved and the use, if approved, would cause property values to decrease.

A gentleman who owns a motel and restaurant in the immediate area was present and requested that the application be denied as it would decrease property values and would be detrimental to businesses in the surrounding area.

Case No. 12468 (continued)

Applicant's Rebuttal:

Mr. Miller advised that the hours of operation would be from 6:00 a.m. to 4:00 p.m. The trucks will never remain on the property over night with trash contained in the trucks as it would create severe health problems. Mr. Miller advised that he would be willing to comply with any conditions or restrictions which the Board would chose to impose.

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 710 - Principal Uses Permitted in the Commercial District) to allow a trash truck storage yard in a CS District, on the following described property:

A tract of land lying in the SW/4, SW/4 of Section 4, Township 19 North, Range 14 East, Tulsa County, Oklahoma, being more particularly described as follows: Beginning at a point 1,188.93' East of the Southwest corner of Said Section 4; thence North 200'; thence West 173' to a point on the East Right-of-Way line of 131st East Avenue; thence South 200'; thence East 173' to the point of beginning, containing 0.794 acres more or less.

Case No. 12469

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request to permit a car wash in a CS District located at the NW corner of 66th Place and Peoria Avenue.

Presentation:

Bob Compton, 8522 East 71st Street, was present and submitted a plot plan (Exhibit "S-1") and a booklet containing information and photographs concerning the proposed car wash (Exhibit "S-2"). Mr. Compton advised that he presently operates a car wash at 71st Street directly across from Woodland Hills Mall which is very similar to the proposed facility. Presently there is a 40' curb cut on Peoria and the applicant proposes to have two curb cuts on 66th Place for proper access in and out of the facility. There are 8 bays for self-service, two automatic bays, and eight vacuum pumps proposed at the subject location.

A letter was submitted from William McKissick Young, 2524 East 56th Place, who stated that he owns the property directly north of the subject property and has no objection to the request (Exhibit "S-3").

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

The South 220' of Lot 1, Block 1, Cline Addition, Tulsa County, Oklahoma, and that part of the NE/4 of the SE/4 of Section 1,

Case No. 12469 (continued)

Township 18 North, Range 12 East, Tulsa County, Oklahoma, more particularly described as follows: Beginning at a point which point is 156.34' West of the Southeast corner of the NE/4 of Section 1, Township 18 North, Range 12 East; then in a Southerly direction a distance of 214' to a point; thence West 152.66' to a point; thence North a distance of 214' to the North line of the SE/4 of Section 1; thence East to the place of beginning.

Case No. 12470

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the setback from 10' to 6' located north of the NE corner of 33rd Street and Mingo Road.

Presentation:

Donnie Dobson, 11716 East 63rd Street, general contractor representing the owner of the subject property, Tom Gutman, submitted a photograph of the subject property (Exhibit "T-1"); a plot plan (Exhibit "T-2") and an elevation plan (Exhibit "T-3"). Mr. Dobson advised that the applicant was previously before the Board in June 1982 and requested a 7' variance and the Board asked that the building be moved. The plot plan indicates that the building has been moved approximately 3' and the variance setback request is from 10' to 6'. The building has been moved as far as possible to allow the applicant to operate his mechanic shop correctly. The car wash which is presently located on the subject property will be removed before the new construction begins.

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 the Commercial Districts) of the setback from 10' to 6', per plot plan submitted, on the following described property:

Lot 1, Block 1, Mingo Plaza Addition, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 12219

Action Requested:

Request for approval of the site plan for Case #12219.

Presentation:

Jack Arnold, 1630 East 30th Place, was present and represented Architectural Resources and submitted the site plan and elevation plan (Exhibit "U-1"). The application was previously approved by the Board, but the applicant was requested to return to the Board with the site plan. The proposed residential structure will be located at 30th and Troost.

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 the site plan as submitted.

Case No. 10414 and 12263

Action Requested:

Request for approval of substitute Plot Plan for Case No's. 10414 and 12263.

Presentation:

Gary Neal, 502 West 6th Street, was present on behalf of Dillion Family & Youth Services, Inc., the operators of Shadow Mountain Institute and submitted a substitute plot plan for Case No. 12263 (Exhibit "V-1"). The applicant seeks to relocate a previously approved parking facility which was approved in November 1982 because the City is condemning additional right-of-way on Sheridan Road.

Concerning Case No. 10414 the Board approved the plans for 45,964 square feet and the applicant constructed the facility which consisted of 44,558 square feet. The applicant is now seeking to add the area outlined on the plot plan by adding or increasing therapy and office space for the existing patients and staff members. An 11% increase in the square-foot area is proposed and notice has been given to surrounding property owners and they are not in protest to the addition. The original application was presented in 1976 and the Board approved 35,000 square feet and the applicant returned to the Board in 1978 because of the funding limitations and they reduced the application to 30,000 square feet. The applicant is proposing to fully utilize the existing facility and provide additional services to the patients. Mr. Neal stated that the new plot plan does not conflict with the spirit and intent of the previous approved action of the Board.

Comments and Questions:

Chairman Smith asked how many square feet were being added and Mr. Neal advised that the applicant is proposing 6,468 square feet, which is approximately 5,000 square feet over what was requested. The additional square-footage will be dispersed throughout the facility. The nearest single-family residence is approximately 800' from the subject property.

Mr. Gardner advised that the Staff reviewed the plans, and even though the applicant is increasing the footage of the buildings and no new buildings are being requested, and therefore, the change could hardly be noticed. The Staff suggested that the substitute plot plan be submitted to the Board because the Board previously tied them to a specific plot plan, but the ultimate end result and use is no different than what was approved in concept.

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 the substitute plot plan for Case #12263.

Case No. 12432

Action Requested:

Request for approval of the site plan for Case #12432.

Presentation:

Rainer Gerlach, 2545 South Columbia Place, was present and submitted a site plan (Exhibit "X-1"). Mr. Gerlach advised that the Board approved

Case No. 12432 (continued)

the application for church use subject to site plan approval by the Board in two weeks. The proposed church building fronts on 11th St.

Dorothea Miller, Protective Inspections, advised that an 85' setback is required on the subject property and the applicant has complied with the setback requirement.

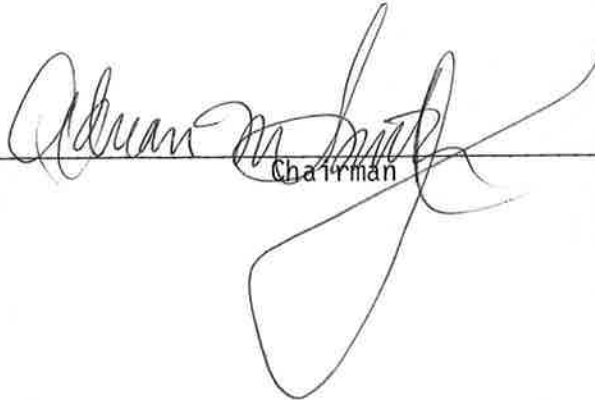
Board Action:

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 the site plan as submitted.

There being no further business, the Chair adjourned the meeting at 5:57 p.m.

Date Approved

4-7-83


Chairman