

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 382
Thursday, March 10, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

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

STAFF PRESENT

Compton
Jones
Martin

OTHERS PRESENT

Hubbard, Protective
Inspections
Jackere, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Wednesday, March 9, 1983, at 11:55 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Chairman Smith called the meeting to order at 1:04 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the Minutes of January 27, 1983 (No. 378) and that portion of the Minutes of February 24, 1983 meeting (No. 381) concerning Case #12464.

WITHDRAWN CASES:

Case No. 12478

Chairman Smith advised that the attorney for the applicant, J. L. Morehead, submitted a letter requesting that the application be withdrawn (Exhibit "A-1").

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 withdraw Case No. 12478 from the agenda.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12475

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance from the centerline of Archer Place from 50' to 42' for an addition to an existing structure located at 126 North 37th West Avenue.

Presentation:

The applicant, Dwayne Moss, was not present.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no

Case No. 12475 (continued)

"abstentions"; none, "absent") to continue this item to the March 24, 1983 meeting.

Case No. 12476

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback requirements for 50' to 43' from 27th Street located at 2703 South 120th East Avenue.

Presentation:

John R. New, 2703 South 120th East Avenue, submitted a plot plan (Exhibit "B-1") and an elevation and floor plan (Exhibit "B-2"). Mr. New advised that his residence is presently located approximately 40' from the center-line of the street. The proposed addition will line up with the house and the applicant is requesting the 7' variance for the addition. The proposal is in violation on 27th 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 the Residential Districts) of the setback requirement for 50' to 43' per plot plan, on the following described property:

Lot 1, Block 2 Shannon Park Addition in Tulsa County, Oklahoma.

Case No. 12477

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a Variance of the side yard requirement from 5' to 0' to permit a lot split of 5 existing duplexes located at 1143-1167 South 79th East Avenue.

Presentation:

The Staff advised that the case needs to be readvertised because the advertisement was incorrect.

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 continue this case to the March 24, 1983 meeting.

Case No. 12485

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the rear yard setback from 25' to 20' to permit the expansion of an existing house located at 2630 East 67th Street.

Case No. 12485 (continued)

Presentation:

John Robertson, 2233 South Louisville Avenue, was present on behalf of the applicant, Neil Worsham, and submitted a plot plan (Exhibit "C-1"). The applicant proposes to construct an addition to his present house located on the subject property. The Zoning Code requires a 25' rear yard setback and the addition will come within 20' of the property line at one point.

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 setback from 25' to 20' to permit the expansion of an existing house, per plot plan submitted, on the following described property:

Lot 6, Oakwood Addition in the City of Tulsa, Tulsa County, Okla.

Case No. 12492

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from Birmingham Court from 35' to 29' located at 7000 South Birmingham Court.

Presentation:

Max Heidenreich, 7002 South Birmingham Court, was present and submitted a site plan (Exhibit "E-1"). The applicant proposes to construct a house on the subject property which requires a variance of 6' in the front yard. The residence will be constructed on a cul-de-sac.

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 Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from Birmingham Court from 35' to 29', per site plan submitted, on the following described property:

Lot 8, Block 1, South Oak Addition in the City of Tulsa, Oklahoma.

UNFINISHED BUSINESS:

Case No. 12408

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts- Request for a home occupation (fund raising consulting) in an RS-3 District located at 2207 East 18th Street.

Presentation:

Bern Gentry, 2207 East 18th Street, was present requesting permission to operate a home occupation at the subject location. Mr. Gentry, who
3.10.83:382(3)

is a fund raising consultant, has been operating his business in his home and was unaware that the operation was in violation of the Zoning Code. The business does not cause increase in traffic because a large portion of the business is conducted over the telephone. Mr. Gentry travels to many areas to promote fund raising for schools and organizations. The operation deals with designing patterns for posters, T-shirts, bags... and in writing fund raising booklets and information for non-profit organizations. Occasionally there are volunteers who come to the residence, but there are no other employees other than the applicant.

Protestants:

Attorney Gerald R. Lee, 2727 East 21st Street, represented a group of homeowners in the area who protest the application. Submitted to the Board was a protest petition signed by approximately 49 property owners in the area (Exhibit "F-1"), a homestead tax exemption form and 1981 real estate tax form showing that Mr. Gentry resides at another location (Exhibit "F-2") and a list of questions to be answered by Mr. Gentry (Exhibit "F-3"). Mr. Lee advised that a new homestead exemption had not been filed by the applicant, which indicates that he resides at 2724 So. Cincinnati rather than the above stated address which would not make the fund raising business a home occupation. Many of the property owners in the area had advised Mr. Lee that they had seen many people coming to and from the subject property and traffic in this area has increased. Mr. Lee advised that there are other employees working at the subject location even though they are referred to as volunteers which would violate the Zoning Code.

Questions and Comments:

Chairman Smith asked if the screening would be performed at the subject location and Mr. Gentry answered no.

The Board inquired if the subject location was his place of residence and the applicant advised that he resides at 2207 East 18th Street, the subject property and does not reside at the Cincinnati address. The Board inquired about Together, Inc., Polaird I. D. System, Ameridan Business Products, Business Products Agency, and Mini-photo Studio of Brookside and Mr. Gentry advised that he owns all of the above stated businesses, but they are located at other locations. Mrs. Purser asked why the fund raising consulting business could not be located at one of his other business locations and the applicant advised that there would not be adequate room.

Mrs. Purser asked how often the volunteers come to the residence and Mr. Gentry advised that sometimes it is once a day and sometimes it is only every two weeks. Mr. Gentry advised that he did not receive proper legal counsel before conducting his business at this location and would relocate his business if it will cause injury to the neighborhood.

It was discovered that there is a garage apartment on the subject property, therefore making two dwellings on one lot. Mr. Jackere, Legal Counselor, asked if an individual occupies the garage apartment and Mr. Gentry answered in the affirmative and added that they are not employed at the home in working with fund raising.

Case No. 12408 (continued)

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-1-1 (Smith, Victor, Wait, "aye"; Chappelle, "nay"; Purser, "abstaining"; none, "absent") to deny a Special Exception (Section 420 - Accessory Uses in Residential Districts) for a home occupation (fund raising consulting) in an RS-3 District, on the following described property:

Lot 12, Block 1, Woodward Park Addition in the City of Tulsa, Okla.

On MOTION of VICTOR and SECOND by WAIT, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to instruct the Building Inspector to investigate the subject property concerning the garage apartment.

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 Districts - Request to allow a mobile home in an RS-3 District located at 4630 North Lewis Avenue.

Presentation:

The Staff advised that the applicant is sick and has requested that the application be continued. At the previous meeting the Board continued this case to allow the Health Department to inspect the property and they were unable to review the site.

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 March 24, 1983 meeting.

Case No. 12488

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from Marion Avenue and Louisville Avenue from 60' to 48' in order to permit construction of a residence located at 6122 South Marion Avenue.

Presentation:

Ron Kelley, president of Kelley Properties, Inc., 6601 South New Haven Avenue, was present and submitted a plot plan (Exhibit "D-1"). The 12' variance request would allow the applicant adequate room to construct a residence on the subject property. The proposed house will encroach into the setback approximately 8' or 9' on two corners as shown on the plot plan.

Protestants: None.

Case No. 12488 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from Marion Avenue and Louisville Avenue from 60' to 48' in order to permit construction of a residence, per plot plan, on the following described property:

Lot 1, Block 5, Braeswood Addition in the City of Tulsa,
Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 12471

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance to expand an existing building 7' into the building setback located at 2030 South Sheridan Road.

Presentation:

Ron Morgan, 6330 South Owasso Avenue, was present and represented H. B. Food Services, Inc., and submitted a plot plan (Exhibit "G-1") and twelve (12) photographs of the subject property (Exhibit "G-2"). The applicant, H. B. Food Services, Inc., is proposing to place a bakery in the rear portion of the existing restaurant in the rear of the dining room. The location of the proposed bakery in the restaurant will provide the dining area with 15 less seats. The addition will encroach into the building setback line on the east side of Sheridan.

Protestants: None.

Board Comments and Questions:

Mr. Victor inquired if the bakery addition could be put on the north side rather than on the east side and Mr. Morgan advised that the proposed location would be best situated on the east side because the bakery would be closer to the kitchen. Mr. Victor advised that the variance, as requested, requires the finding of a hardship other than financial. Mr. Victor inquired as to the hardship and the applicant advised that much improvement and remodeling has been done to the existing structure and the proposed bakery would be best located at the subject property. Mrs. Purser stated that she sympathized with the applicant, but the Board has not heard of a hardship rather than a financial which cannot be considered.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-1-0 (Chappelle, Purser, Victor, Wait, "aye"; Smith, "nay"; no "abstentions"; none, "absent") to deny a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) to expand an existing building 7' into the building setback, on the following described property:

The West 200' of the East 250' of the North 200' of the South
250' of the SW/4 of Section 10, Township 19 North, Range 13
East of the I.B. & M., City of Tulsa, Tulsa County, State of
Oklahoma.
3.10.83:382(6)

Case No. 12472

Action Requested:

Special Exception - Section 240.2 (h) - Permitted Yard Obstructions - Request to allow a carport in a side yard located at 1540 North Cheyenne Avenue.

Presentation:

Mark Norman was present on behalf of Carl and Ruth Prather, 1540 North Cheyenne Avenue, and submitted a plot plan (Exhibit "H-1") and a sketch of the proposed carport including materials to be used in construction (Exhibit "H-2"). The applicant is requesting that the special exception be granted to construct a detached carport on the property.

Protestants: None.

Board Comments and Questions:

Mr. Victor asked if the applicant had talked with his neighbors about the proposed carport and Mr. Norman advised that the applicant has talked to his neighbors and they have no objection to the request.

Chairman Smith inquired about the drainage and Mr. Norman advised that guttering and pipes will be provided for adequate drainage on the property.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 240.2 (h) - Permitted Yard Obstructions) to allow a carport in a side yard, per plot plan, on the following described property:

The Morley Addition, Lot 3, Block 2, in the City of Tulsa, Oklahoma.

Case No. 12473

Action Requested:

Variance - Section 420 - Accessory Use Conditions - Request for a Variance of the side yard requirement from 3' to 1' for a detached accessory building in a rear yard located at 235 Waverly Drive.

Presentation:

Max Rader, 2222 East 11th Street, was present on behalf of A & A Co., Inc., and submitted a plot plan (Exhibit "I-1"). Mr. Rader advised that there is presently a small one-car garage on the property which the applicant intends to remove and he proposes to construct a new garage at the same location. The new garage will also be a one-car garage. The driveway is very narrow and it lines up with the front of the garage. If the proposed garage were shifted so as to conform with the side yard requirements it would present more problems. The owner of the subject property has talked with the neighbors and they have no objection to the proposal.

Protestants: None.

Case No. 12473 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 420 - Accessory Use Conditions) of the side yard requirement from 3' to 1' for a detached accessory building in a rear yard, per plot plan, on the following described property:

Lot 31, Block 12, University Park Addition to the City of Tulsa, Oklahoma.

Case No. 12479

Action Requested:

Variance - Section 610 - Principal Uses Permitted in the Office Districts - Request to permit an outdoor advertising sign in an OM District located at the north side of the B. A. Expressway, West of Garnett Road.

Presentation:

Roy Johnsen, 324 Main Mall, attorney representing Fracorp, submitted a photograph indicating the proposed sign location (Exhibit "J-1"); and aerial photograph showing seven (7) existing signs located in the immediate area (Exhibit "J-2") and a rendering of the proposed sign (Exhibit "J-3").

Mr. Johnsen advised the Board of some state court interpretations and decisions concerning variances. He did not feel that the Board could deny the variance as the use would be in accordance with the Zoning Code. One side of the sign would be used for advertising the existing office building on the premises under the control management of Fracorp and the other side of the sign would be used only for Fracorp's statewide projects. Mr. Johnsen presented an exhibit showing signs similar to what is proposed that exist immediately to the south and across the Broken Arrow Expressway from the proposed sign location.

Protestants: None.

Comments:

Mr. Compton noted that the tract south of the Broken Arrow Expressway was recently recommended for approval by the Planning Commission for a PUD and the permitted uses within the PUD would not allow for outdoor advertising signs that now exist.

Mrs. Purser questioned if the existing billboards inside the PUD would be allowed to remain or if they would be removed. Mr. Jackere, Legal Counselor, stated that they probably would become a nonconforming use and that nothing specific was stated in the PUD that they would be removed. Mr. Compton stated that during the Detailed Site Plan review the Staff was concerned about the elimination of those signs, since they are not a permitted use. Mr. Johnsen stated that he would make the sign temporary in nature and when the signs to the south were removed he too would remove the proposed sign within 30 days. Mr. Victor inquired as to the size of the sign and Mr. Johnsen advised that the sign contains 10' x 40' of display surface area with a maximum height of 40'.

Case No. 12479 (continued)

Board Action:

On MOTION of WAIT and SECOND by PURSER, the Board voted 3-2-0 (Purser, Smith, Wait, "aye"; Chappelle, Victor, "nay"; no "abstentions"; none, "absent") to deny a Variance (Section 610 - Principal Uses Permitted in the Office Districts) to permit an outdoor advertising sign in an OM District, on the following described property:

Part of Lots 2, & 3, Block 2, TOWNE CENTRE II, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows: A tract of land in the City of Tulsa, situated in the S/2 of the NE/4 of Section 30, Township 19 North, Range 14 East, of the Indian Base and Meridian in Tulsa County, Oklahoma. Said tract being wholly contained in Lots 2 and 3, Block 2, Towne Centre II. Beginning at the Southeast corner of said Lot 2, said point being the Point of Beginning, and being on the Southerly Boundary of Lot 2; thence North $56^{\circ}39'34''$ West a distance of 284.94'; thence North $19^{\circ}39'20''$ East a distance of 65.88'; thence North $15^{\circ}37'28''$ East a distance of 300.00'; thence North $74^{\circ}22'36''$ West a distance of 35.00'; thence North $15^{\circ}37'28''$ East a distance of 110.00'; thence North $51^{\circ}27'39''$ West a distance of 71.76'; thence North $09^{\circ}16'05''$ East a distance of 0.00'; thence Northeasterly along a curve to the right, with a radius of 204.55', a distance of 78.54'; thence North $36^{\circ}59'29''$ East a distance of 129.56'; thence North $37^{\circ}00'03''$ East a distance of 2.50'; thence South $51^{\circ}22'31''$ East a distance of 155.24'; thence South $00^{\circ}05'29''$ West a distance of 774.40' to the Point of Beginning.

Case No. 12480

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts- Request for a home occupation (beauty shop) located at 2433 South 108th East Avenue.

Presentation:

Lela Cramberg, 2433 South 108th East Avenue, was present and submitted a petition signed by nine (9) property owners in the subject area who are in support of the application (Exhibit "K-1"). The applicant presently operates her beauty shop at 21st & Memorial, but proposes to relocate her shop in her home and requested permission to operate a home occupation. Ms. Cramberg advised that her driveway will accommodate the cars for the beauty shop. The applicant stated that she intends to operate the beauty shop four days a week and will never have more than two customers on the premises at any one time. Ms. Cramberg advised that she lives on a cul-de-sac and after having visited her neighbors they have no objection to the operation of the beauty shop.

Protestant or Interested Party:

Jay Phillips, 10821 East 25th Place, advised that he lives on a cul-de-sac just east of the subject property and felt that if the application were approved it would set a precedent. He also stated if the applicant complies with all of the home occupation regulations he would not be in objection to the approval.

Case No. 12480 (continued)

Comments and Questions:

The Board asked the applicant if she was familiar with the home occupation regulations and Ms. Cramberg answered in the affirmative. Mrs. Purser inquired as to the hours of operation and the applicant stated that she would work from 6:00 a.m. til 3:00 p.m., Monday through Friday. She also advised that she intends to work til 5:00 or 5:30 p.m. on Wednesdays as she has two teachers who come in after school. Discussion ensued concerning the early hours of operation.

PURSER made a MOTION and VICTOR SECOND it to approve the application for a home occupation, subject to the applicant complying with the home occupation rules, Monday through Friday from 7:30 a.m. to 3:00 p.m. and til 5:30 p.m. on Wednesdays.

Applicant's Rebuttal:

Ms. Cramberg advised that the reason she requested permission to open at 6:00 a.m., was to allow time in the morning for customers to come in before they go to work. The Board was concerned that the early morning operation could disturb the neighbors.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue this item to the March 24, 1983 meeting to allow the applicant this time to obtain signatures of her neighbors stating that they have no objection to the early morning hours.

Case No. 12481

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to permit a mobile home in an RS-3 District located at 2223 North Atlanta Avenue.

Presentation:

Jerry Parsons, 2441 North Columbia Place, requested permission to place a mobile home on the subject property. There are many other mobile homes in the area and the neighbors have no objection to the placement of the mobile home. Mr. Parsons proceeded to advise the Board of the locations of the other mobile homes in the area. The mobile home will be placed on Mr. Parson's mother-in-laws' property which will allow the applicant and his wife to care for her.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to permit a mobile home in an RS-3 District, for a period of one-year, removal bond required, subject to the Health Department approval and subject to the issuance of a Building Permit, on the following described property:

Case No. 12481 (continued)

Lot 120, Block 11, Tulsa Heights Addition, Tulsa, Oklahoma.

Case No. 12482

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to allow (Light Industrial) Use Unit 25 to assemble rubber gaskets onto machine fittings and warehouse calking and sales. This property is located at 4621 East Admiral Boulevard.

Presentation:

The Staff advised the Board that the district chairman, Ted Cotton, contacted the Staff and is in support of the application.

Robert Green, 2409 East Skelly Drive, Suite 103, was present requesting permission to use the property for assembling rubber gaskets onto machine fittings and for warehouse calking and sales.

Protestants: None.

Board Questions:

Mr. Victor asked if there would be any outside storage on the subject property and Mr. Green advised that everything would be kept inside the structure.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to allow (Light Industrial) Use Unit 25 to assemble rubber gaskets onto machine fittings and warehouse calking and sales, on the following described property:

The South 160.5' of Lots 5 and 6, Block 1, Stanford Heights Resub. Lots 16-20, Block 2, Rodgers Heights Subdivision in the City of Tulsa, Oklahoma.

Case No. 12483

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to permit Use Unit 17 within a CS District to permit the expansion of the existing retail sale and installation of auto tires and accessories; and a Variance - Section 710 - Principal Uses Permitted in the Commercial Districts - Request for a use variance to permit wholesaling and warehousing of auto tires and accessories (both requests subject to a site plan and development standards approved by the Board). This property is located at 12821 East 31st St.

Presentation:

Charles Norman, 909 Kennedy Building, attorney representing Hesslebein Tire Company, Inc., submitted nine (9) photographs of the subject property (Exhibit "L-1"); a site plan, elevation plan and area plan (Exhibit

Case No. 12483 (continued)

"L-2" and ten (10) letters in support of the application from individuals who own businesses in the immediate area (Exhibit "L-3").

Mr. Norman advised the Board of a similar application heard by the Board to allow outdoor storage of automobile and tractor tires which was denied. Mr. Norman also pointed out that he had advertised for both a special exception and a variance, but after examining the Code he felt that the variance was not necessary because in his opinion the intended activity is covered under the Use Unit 17. Mr. Norman advised that he previously reviewed the plot plan and elevation plans with the Staff. Mr. Norman also pointed out that the abutting property immediately to the west of the subject property was approved by the Board for Use Unit 17 for mini-storage (Case No. 12297).

The docks on the east side of the building will be bricked in and the new loading dock located on the north will be screened from 129th and the abutting property to the north by a 14' high brick and landscaped wall. On the south side additional service bays will be added, but the height of the existing doors will be lowered to a standard garage opening height.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") that the Board finds the variance is not needed and to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to permit Use Unit 17 within a CS District to permit the expansion of the existing retail sale and installation of auto tires and accessories, subject to the drawings submitted, on the following described property:

A tract of land situated in the E/2 of the SE/4 of Section 17, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, and being in Lot 1, Block 1, Blue Robb Addition, a Subdivision in Tulsa County, State of Oklahoma, more particularly described as follows, to wit: Beginning at a point 50' North and 50' West of the Southeast corner of Section 17; thence North 89° 52' 49" West a distance of 237.52'; thence North 00° 09' 07" West a distance of 431.84'; thence South 89° 52' 49" East a distance of 237.52'; thence South 00° 09' 07" East a distance of 432.34' to the point of beginning, containing 2.36 acres; AND,

A tract of land situated in the E/2 of the SE/4 of Section 17, Township 19 North, Range 14 East, Tulsa County, Oklahoma, being more particularly described as follows, to wit: Beginning at a point on the South line of said Lot 1, Block 1, Blue Robb Addition, 237.52' West of the Southeast corner of Lot 1, Block 1, Blue Robb Addition; thence North 89° 52' 49" West for 200.00'; thence North 00° 09' 07" West for 431.43'; thence South 89° 52' 49" East for 200.00'; thence South 00° 09' 07" East for 431.84' to the point of beginning, being a part of Lot 1, Block 1, Blue Robb Addition, containing 1.98 acres, more or less.

Case No. 12484

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 8' on one side and 3' on the other side for new construction to line up with existing structure located at 1723 South Quaker Avenue.

Presentation:

Edward Mysock, Jr., 1723 South Quaker Avenue, was present and submitted a plot plan (Exhibit "M-1") and two (2) statements from Janice and Edward Friedman and C. L. Albert, who own adjacent property to the subject property and have no objections to the request (Exhibit "M-2"). There is an existing house on the property and Mr. Mysock proposes to construct an addition to the residence which will line up with the existing structure. A variance of the side yard requirements is being requested in order to build the new addition.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the side yard requirements from 10' to 8' on one side and from 10' to 3' on the other side for new construction to line up with the existing structure, per plot plan submitted, on the following described property:

Lot 11, Block 23, Orcutt Addition in the City of Tulsa, Oklahoma.

Case No. 12486

Action Requested:

Variance - Section 610 - Principal Uses Permitted in the Office Districts - Request to allow a Use Unit 17 auto inspection bay for accessory use to insurance office. Appeal from a decision of the Building Inspector. This property is located at the NE corner of 73rd Street and Yale Avenue.

Presentation:

Thomas Taylor, 5157 East 51st Street, Suite 100, architect representing Farmers Insurance Group, was present and submitted an elevation plan, site plan and floor plan (Exhibit "N-1") and a letter and information which the neighbors received (Exhibit "N-2"). The principal use of the proposed building is an insurance agency where insurance is sold and claims are processed. Attached to the building is an accessory use which is a drive-in facility. The purpose of the building is to provide office space for the efficient investigation, processing and settlement of all types of claims against the insurance company by policy holders and others. The inspection station's only use at this location is to provide a weather protected space for the office personnel to visually inspect the damaged vehicles. The cost to repair the vehicle is estimated and a settlement is made. A vehicle is within the inspection station for a period of 30 minutes or less. Only vehicles capable of being driven are inspected. The proposed facility will never be used for selling, rental, maintenance, repair, service or storage of motor vehicles. The applicant contended that it is a customary accessory use

Case No. 12486 (continued)

of the principal use and this location is to take the place of an existing claims office in the Tulsa area. There will be 2 bays provided for investigation purposes.

Graham Ritchie from Los Angeles was also present representing Farmers Insurance.

Protestants: None.

Board Comments:

Mr. Victor was concerned with the size of the bays and asked why such large bays were proposed and Mr. Taylor advised that the bays will be used for a drive-through service and the proposed space is needed. The applicant also advised that both bays are needed as approximately 14 vehicles are scheduled per day with half-hour appointments. The Board expressed some doubt that the use is a customary accessory use. Mrs. Purser felt that the proposed use would be very convenient, but did not feel that it would be compatible with the area.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-1 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; none, "absent") to deny a Variance (Section 610 - Principal Uses Permitted in the Office Districts) to allow a Use Unit 17 (auto inspection bay for accessory use to insurance office) and to uphold the decision of the Building Inspector, on the following described property:

All of Lot 5, Block 1, THE QUEST, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, AND ALL that part of Lot 1, Block 1, The Quest, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows: BEGINNING at the Southwest corner of Lot 1, Block 1; thence Due North along the West line of Lot 1, a distance of 271.70' to a point; thence Due East a distance of 153.00' to a point on the East line of Lot 1; thence Due South along the East line of Lot 1 a distance of 120.71' to a point; thence Due West a distance of 107.00' to a point; thence Due South a distance of 151.00' to a point on the Right-of-Way line for East 73rd Street South; thence Due West a distance of 46.00' to the POINT OF BEGINNING.

Case No. 12487

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts- Request for a home occupation to wholesale and make plastic candy molds located at 3244 South 83rd East Avenue.

Presentation:

Bobby Allen, 3244 South 93rd East Avenue, was present requesting permission to operate a home occupation to wholesale and make plastic candy molds. There will be no traffic, signs or employees for the proposed business. Mr. Allen advised that he has a small set of machines which he uses to make the candy molds which will be located in his garage.

Mr. Allen advised the hours of operation would be from 8:00 a.m. to 5:00 p.m., and he would not operate the business in the summertime.

Protestants:

Maurice Skinner, 3257 South 93rd East Avenue, was present and submitted a protest petition signed by approximately 60 property owners in the subject area (Exhibit "O-1"). The protestants expressed their concern that if the request is approved it will decrease property values in the neighborhood and would be in violation of the restrictive covenants. Mr. Skinner also advised that the property owners in the area are opposed to the operation as it would create a fire hazard, since the process proposed consisted of heating plastic materials. Increase of traffic could also present traffic congestion and a safety hazard.

Dianna Jean Woods, 3252 South 93rd East Avenue, advised her main concern to the request is the fire hazard and the decrease in property values.

Board Comments and Questions:

Mrs. Purser asked if the exterior of the residence has been changed and Mr. Allen advised that there have been no changes to the exterior of the structure and none are proposed. Mrs. Purser inquired as to the wholesale process involved in the business and Mr. Allen advised that he collects orders for the molds, produces them at his residence and delivers the molds personally to his customer or to retail outlets. Discussion ensued concerning the machines used and the heat required in making the molds. Mr. Allen did not feel that the heating process would create a fire hazard because the machine is only heated to approximately 400°. The Board asked the applicant if he had talked with the Fire Marshal about the matter and he advised that he has not.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 420 - Accessory Uses in Residential Districts) for a home occupation to wholesale and make plastic candy molds for a period of six (6) months, subject to approval and review of the Fire Marshal's Office and to return to the Board on September 22, 1983 for review by the Board, on the following described property:

Lot 8, Block 16, Briarwood Second Addition in the City of Tulsa, Tulsa County, Oklahoma.

Comments:

Mrs. Purser advised that notice will not be given to the surrounding property owners for the September meeting since the application was continued. The purpose of the review in six months is to allow the neighbors to come back to the Board and present their objection to the use. The objections need to be specific violations of the home occupation regulations.

Case No. 12489

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the side yard requirement from 10' to 3½' to allow for closets and bay window located at 2641 East 8th Street.

Presentation:

Beatrice Foss, 2641 East 8th Street, was present and requested permission to make an addition to the residence. Ms. Foss presented a plot plan to the Board showing the proposed addition (Exhibit "P-1"). When the residence was constructed a 5' side yard was required and the requirements were met, but the area has been rezoned and new requirements are 10' side yards. A small addition to the residence for closets and a bay window is requested and would permit a 3½' side yard. The applicant advised that she has health problems and needs to have exercise equipment which she plans to put in her bedroom that would require an expansion on the west side of the residence.

Protestants:

Paul Strokey, 2639 East 8th Street, was present in protest to the application and expressed a real concern with the drainage problem presently existing on the property. If the addition is constructed it will only increase the overflow drainage. He stated that he opposed any addition on the west side of the house and suggested that the addition be constructed to the east or to the back of the structure, if construction is necessary.

Board Comments:

The Board felt that the addition could be placed at another location on the residence so as not to encroach into the setback as much as was requested.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to deny a Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the side yard requirement from 10' to 3½' to allow for closets and bay window, on the following described property:

Lot 7, Block 10, Highlands Addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 11803

Action Requested:

Request for review of final plans on Case No. 11803.

Presentation:

Bill Doyle was present representing Tulsa Urban Renewal Authority and submitted an elevation plan, site plan, and floor plan (Exhibit "Q-1"). The case was previously approved by the Board, subject to final review of the plans. All of the setbacks are the same as was proposed previously. It was suggested that the proposed project will be a quality

Case No. 11803 (continued)

apartment complex. The materials to be used in construction will be brick and wood siding. The apartment buildings are one, two and three story structures.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-1 (Purser, Smith, Victor, Wait, "aye"; no "nays"; Chappelle "abstaining"; none, "absent") to approve the plans as submitted.

Case No. 12469

Action Requested:

Request approval of substitute plot plan for Case No. 12469.

Presentation:

The applicant was not present.

Protestants: None.

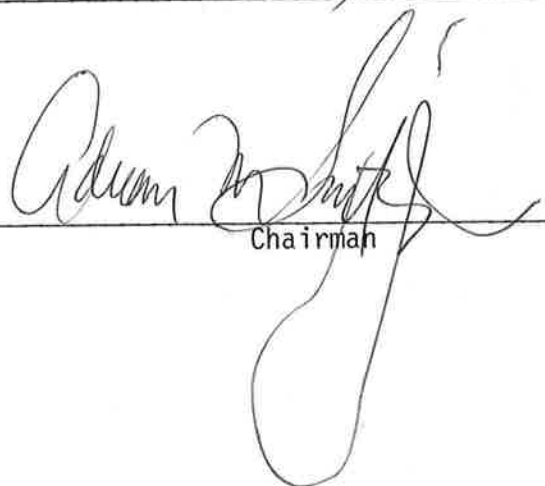
Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue this item to the March 24, 1983 meeting.

There being no further business, the Chair adjourned the meeting at 4:24 p.m.

Date Approved

4-7-83


Chairman