

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 383
Thursday, March 24, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, March 22, 1983, at 9:55 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Acting Chairman Victor called the meeting to order at 1:03 p.m.

MINUTES:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve the Minutes of February 10, 1983 (No. 380).

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12491

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the lot width from 60' to 45.3', and a variance of the lot area from 6,900 sq. ft. to approximately 5,798.2 sq. ft. and 4,249.14 sq. ft. and a variance of the side yard setback from 10' and 5' to 0' to allow the split of an existing duplex.

Presentation:

The applicant, David Honeycutt, was not present.

The Staff advised that the application needs to be continued to allow the applicant time to resolve an encroachment problem on the subject property.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue this item to the April 21, 1983 meeting.

Case No. 12493

Action Requested:

Special Exception - Section 240.2 - Permitted Yard Obstructions - Request to allow a carport 40' from the centerline of South Erie Avenue located at 1429 South Erie Avenue.

Presentation:

Walter Sumner, 1429 South Erie Avenue, submitted a letter explaining his request (Exhibit "A-1"); a petition in support of the application signed by 14 property owners in the area (Exhibit "A-2") and a plot plan and elevation plan (Exhibit "A-3"). The application proposes to construct a carport on the subject property.

Protestants: None.

Board Questions:

Mr. Chappelle inquired as to the materials proposed for the carport and the applicant advised that the carport will be of wood construction.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 240.2 - Permitted Yard Obstructions) to allow a carport 40' from the centerline of South Erie Avenue, per plot plan submitted, on the following described property:

Lot 13, Block 7, Smithville Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12494

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial District - Request for a variance of the frontage requirements from 150' to 139.93' in order to permit a lot split. This property is located at 12616 East Admiral Place.

Presentation:

The applicant, Henry Wright, was not present.

Mr. Jackere, Legal Counsel, advised that Mr. Wright received approval of a lot split showing the splitting of the two lots creating one lot of 145' and when application was made for a Building Permit the plans reflected 139.93'. The Staff advised that the building adjacent to the east actually encroaches into that lot so the applicant needs to limit the lot to 139.93'. The Planning Commission has not approved the lot split as of yet awaiting Board action.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser,

Case No. 12494 (continued)

Smith, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) of the frontage requirements from 150' to 139.93' in order to permit a lot split (L-15726), subject to the Planning Commission's approval on the basis of the encroaching building, on the following described property:

Beginning at a point 40' South and 1,151.51' West of the North-east corner of Lot 8, Section 5, Township 19 North, Range 14 East; thence West and parallel to the North line of said Lot 8 a distance of 139.93'; thence South 466.66'; thence East 139.93'; thence North 466.66' to the point of beginning.

Case No. 12512

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the front setback from 50' to 47.2', located at 6333 South 72nd East Place.

Presentation:

Paul Swain, attorney representing Guaranty National Bank, 6333 South 72nd East Place, was present to address the Board and submitted a plot of survey (Exhibit "B-1").

Protestants: None.

Staff Comments:

Mr. Garnder advised that one corner of the structure encroaches less than 3' on the front setback and it is on a curve.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the front setback from 50' to 47.2' per plat of survey, on the following described property:

Lot 5, Block 13, Shadow Mountain Estates Addition, Tulsa, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

Case No. 12335

Action Requested:

Variance - Section 440.3 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the Bulk and Area Requirements to permit a lot split, located at 7012 & 7014 South Indianapolis Avenue.

Presentation:

David Cameron, 201 West 5th Street, Suite 400, attorney representing the owner of the property advised that the lot split is being requested in order to permit two separate ownerships of the existing duplex on the subject property. The applicant submitted a plat of survey (Exhibit "C-1").

Case No. 12335 (continued)

Protestants: None.

Comments:

Mr. Gardner advised that the Planning Commission approved the lot split several weeks ago.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 440.3 - Special Exception Uses in Residential Districts, Requirements) of the Bulk and Area Requirements to permit a lot split, per plat of survey, on the following described property:

Lot 2, Block 1, Vienna Woods West Addition, Tulsa, Tulsa County, Oklahoma.

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 previously appeared before the Board and the application was continued to re-view the case with the Health Department. Mrs. Self advised that there are three houses and two mobile homes presently on the 2½ acre subject tract. One of the mobile homes has been on the property for approximately four years and the second mobile home, which is being requested, has been on the property for two years. There have been no complaints concerning the mobile homes, but the applicant desires to have separate gas meters on each lot. Mrs. Self advised that there are two other mobile homes on North Lewis and a mobile home park on North Lewis.

Ricky Jones advised that the Staff contacted the Tulsa City-County Health Department concerning the matter. They sent an inspector to field check the subject property and there was no problem with the 5 residences and the septic systems. The inspector advised the applicant to contact the Health Department if additional dwellings are to be placed on the tract.

Protestants:

Ray Comer, 1730 South Norfolk Avenue, stated that he owns the property to the south of the subject property and advised that there are several septic tanks in the area. Mr. Comer stated that the soil in the surrounding area is not in good condition and was concerned that the septic tanks might not properly serve the subject tract.

Staff Comments:

Mr. Gardner advised that the Staff would be concerned that the subject tract not become a mobile home park. If the Special Exception is

Case No. 12455 (continued)

approved, the Staff was concerned that the Board would enforce the one-year time limit and removal bond requirement. The Staff and the Board recommended that the applicant rezone the subject property.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow more than one dwelling per lot of record; and a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow the second mobile home in an RS-3 District, for a one-year time limit, removal bond required, to run with this owner only, on the following described property:

Lot 4, Block 1, North Highland Acres Addition to the County of Tulsa, Oklahoma.

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. This property is located at 1423 South Xanthus Avenue.

Presentation:

Robert Nichols, attorney representing Rod and Sallie Slane, 1423 South Xanthus Avenue, was present and submitted four (4) photographs of the subject property and surrounding properties (Exhibit "D-1") seven (7) letters in support of the application (Exhibit "D-2") and a plat of the immediate area (Exhibit "D-3").

The Slanes are requesting permission to operate a recording studio as a home occupation. The residential portion of the structure contains approximately 2,000 sq. ft. and the recording studio contains approximately 1,500 sq. ft. The structure was previously used as an antique store for approximately 18 years. The Slanes purchased the property in 1979 with the understanding that the structure could be used as a business. The Slanes have used the residence as a recording studio for the past four years. Mr. Slane built an addition to the structure in the fall of 1982 and has not received a building permit as he was unaware of the procedure.

The subject property is surrounded on three sides by income producing properties. The recording studio is properly engineered and sound proofed better than most studios. Mr. Nichols contended that he walked around the house when the volume was at its peak and he could hear nothing.

Protestants:

Attorney Lynn Anderson, 2023 East 14th Place, represented many of the property owners in the subject area and submitted five (5) photographs of the subject property (Exhibit "D-4"); a letter in opposition to the

application (Exhibit "D-5"); a protest petition containing approximately 80 signatures of surrounding property owners (Exhibit "D-6") and an advertisement in the yellow pages of the phone book for the Star Track Recording Studios (Exhibit "D-7").

Ms. Anderson advised that the applicant is presently in violation of every provision of the home occupation regulations. She advised that the exterior alterations have been made, there are employees other than family members on-site. Ms. Anderson contended that there is another business being conducted from the subject property. There is noise projected from the residence not only from the studio music, but also clientel arriving and departing from the residence. The traffic congestion has increased in this area from the recording studio. Ms. Anderson advised that there are no-parking signs in the immediate area and there are still numerous cars that park on the streets. The recording studio, which is classified as a Use Unit 11, is not permitted in the RS District, therefore, the property owners in the area requested that the application be denied.

Ann Edna Smith, 2010 East 14th Place, advised that she lives directly east of the subject property and is in protest to the application because she can hear the recording at the studio. She stated that she is opposed to the business being conducted after 8:00 p.m. because the noise is a disturbance to the neighborhood.

Caroline Hall, 1795 East 14th Place, advised that she lives across the street from the subject property and has been disturbed at 2:00 a.m. by individuals coming to and from the residence. Ms. Hall advised that most of the cars parked in the street in this area are clientel of the recording studio. Mrs. Hall said that the music does not disturb her late at night, but the cars and the voices of the clientel from the subject property awake her and her family most nights. There are approximately 21 children who live on the subject block and the traffic in this area presents a real traffic hazard to those children.

Sherry White, 1518 South Gillette, a representative of District #6, advised that the district calls for low intensity residential and granting the request would not be in accordance with the District Plan.

Applicant's Rebuttal:

Mr. Nichols advised that failing to receive a building permit was not the applicant's fault and did not feel that they should be held responsible. The applicant never received any complaints from the neighborhood until this hearing began and the business has been conducted at the property for the past four years. The Board members were invited to the subject property to listen to any noise generated from the studio. Mr. Nichols also advised that recordings do not take place at 6:30 a.m. as one of the protestants stated. He stated that sometimes the recording is made til 8:00 p.m. and possibly til 10:00 p.m. on rare occasions. The typical hours of operation are from 8:00 a.m. to 5:00 p.m. Mr. Nichols advised that there is traffic congestion in the surrounding area as many individuals travel the residential streets to access the Broken Arrow Expressway.

Comments:

Paula Hubbard, Protective Inspections, advised that the Building Inspector's Office has received two complaints of the recording studio. She

Case No. 12463 (continued)

also stated that she was not aware of an application for a building permit being made.

Mr. Jackere asked how many employees are employed at the residence and Mr. Nichols advised that there is one girl who is the receptionist and bookkeeper for the business, therefore the applicant is seeking an exception to that portion of the home occupation rules as she is a vital part of the business. Mr. Jackere advised that the request is not for a home occupation, but would be a use variance which would permit other employees other than family members in an office district. The use variance would be properly advertised as is, but would require the finding of a hardship. The Board did not feel that the applicant had proved a hardship.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser Smith, "absent") to deny a use Variance (Section 410 - Principal Uses Permitted in Residential Districts) for a recording studio in an RS-3 District, on the following described property:

Lot 3, Block 5, Terrace Drive, Resubdivision of part of Block 5, Tulsa, Tulsa County, Oklahoma.

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. A plat was submitted (Exhibit "E-1"). Mr. Gardner advised that the Staff has attempted to contact the applicant to request his presence at this hearing because the Board has continued this item several times. The Staff suggested that the application be approved subject to a site plan and issuance of a Building Permit. The applicant is requesting a variance of 8' on the northern boundary which is a minor variance.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) from the centerline of Archer Place from 50' to 42' for an addition to an existing structure, subject to the applicant submitting a site plan and subject to the issuance of a Building Permit, on the following described property:

Lot 1, Block 1, Pecan Center Addition, Tulsa County, Oklahoma.

Case No. 12477

Action Requested:

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

Presentation:

Eldon Boyd, 5453 East 19th Street, was present requesting permission to allow the lot splits in order to sell the five duplexes as individual homes. A plot plan was submitted (Exhibit "F-1").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve the Variance (Section 430 - Bulk and Area Requirements in the Residential District) of the side yard requirement from 5' to 0' to permit lot splitting (L-15706, L-15707 and L-15708) of five existing duplexes, per plot plan, on the following described property:

Lots 2 thru 6, Block 1, Torn Terrace Addition, Tulsa, Tulsa County, Oklahoma.

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', and a variance of the lot area from 6,900 sq. ft. to 4,750 sq. ft.. Request for a variance of side yard requirements from 5' to 0' and a variance of setback from 55th Place and Quincy from 50' to 35' and 45' to allow for lot split of duplexes, located at East 55th Place and Quincy Avenue.

Presentation:

Mr. Gardner advised that the Board previously approved the setback on 55th Place and on Quincy Avenue and continued the lot split portion until the applicant was able to receive a building permit and construction was underway. The Planning Commission has not approved the lot split as of yet awaiting actual construction.

Richard Holmes, 1201 Fourth National Bank Building, requested that the application be continued for a period of 30 days to allow the builders time to progress the construction.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue this item to the April 21, 1983 meeting.

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, advised that the Board continued the application for two weeks to allow her time to obtain the names of individuals who are in favor of the 6:00 a.m. opening time for the beauty shop. Ms. Cramberg submitted a petition in support of the application containing five property owners' signatures in the immediate area (Exhibit "G-1").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 420 - Accessory Uses in Residential Districts) for a home occupation (beauty shop) to allow the applicant to begin the home occupation operation at 6:00 a.m., subject to all of the home occupation regulations, on the following described property:

Lot 51, Block 7, Magic Circle Third Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

NEW APPLICATIONS:

Case No. 12474

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a day care center in an existing elementary school. This property is located at 2327 South Darlington Avenue.

Presentation:

Ruth Ann Casebeer, 1127 East Haskell Place, requested a special exception to locate a children's day care center in the Hoover Elementary School. The service will be provided for children from the ages of 5 to 12 years old and will operate from 6:30 a.m. to 6:30 p.m., Mondays thru Fridays for twelve months a year.

Protestants: None.

Comments and Questions:

Mr. Victor inquired as to the number of children who will attend the day care center and Ms. Casebeer advised that the facility will be licensed for approximately 35 children. Mr. Victor asked if a sign was proposed for the facility and the applicant advised that a sign would not be necessary since the center is located in the school. Mr. Chappelle asked if the playground is fenced in and Ms. Casebeer answered in the affirmative.

Case No. 12474 (continued)

Paula Hubbard, Protective Inspections, advised that the approval will be subject to the filing of a plat or waiver of a plat.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow a day care center in an existing elementary school Mondays thru Fridays from 6:30 a.m. to 6:30 p.m., twelve months a year, that no sign be permitted, on the following described property:

Beginning at a point 30' east of the northwest corner of the W/2 of the SE/4 of the NW/4 of Section 15, Township 19 North, Range 13 East, Tulsa County, Oklahoma; thence Easterly along the North line of said SE/4, NW/4, Section 15, a distance of 611.59' to a point 20' west of the northeast corner of the W/2, SE/4, NW/4, Section 15; thence Southerly and parallel to the East line of the W/2, SE/4, NW/4, Section 15, a distance of 931.84'; thence Westerly and parallel to the South line of said SE/4, NW/4, Section 15, a distance of 145'; thence Southerly and parallel to the East line of the W/2, SE/4, NW/4, Section 15, a distance of 97.5'; thence Westerly and parallel to the South line of the W/2, SE/4, NW/4, Section 15, a distance of 465.99' to a point 30' East of the Quarter-Section line of the SE/4, NW/4, Section 15; thence Northerly and parallel to the Quarter-Section line of the SE/4, NW/4, Section 15, a distance of 1,027.95' to a point 30' East of the Northwest corner of the W/2 of the SE/4 of the NW/4 of Section 15, the point of beginning, containing 13.79 acres, more or less.

Case No. 12490

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the front setback requirements from 25' to 20', and a request for a variance of the side yard requirement to allow a zero lot line to allow duplexes to set across lot lines, and a variance of the minimum lot width and lot area, located at the north side of East 89th Street South and west of South Yale Avenue.

Presentation:

Michael Taylor, 5359 South Sheridan Road, was present on behalf of Sisemore-Sack-Sisemore and Associates, Inc., and submitted a grading plan (Exhibit "H-1") and an amended preliminary plat (Exhibit "H-2"). The variances are being requested to allow the duplexes to be sold under separate ownership. If the duplexes are separated and sold as single-family dwelling units with 0' lot line and a common party wall it will meet the Fire Code and Building Inspection requirements. Mr. Taylor advised that the topography (elevations) causes a hardship on the lot layout on the subject property.

Protestants:

Ricky Jones submitted a protest petition from Jerry White, 8402 South 74th East Avenue (Exhibit "H-3").

Case No. 12490 (continued)

Discussion:

Mr. Victor did not feel that the variance request was appropriate and did not feel that a hardship was proven. Mr. Jackere advised that since the applicant can use the property for the desired use, duplex use, a hardship does not exist. Mr. Jackere, Legal Counsel, advised that the applicant has the choice of being heard by this Board which requires the finding of a hardship or to be heard by the Planning Commission. Mr. Victor advised that he did not oppose the request, but felt that it would be more appropriate for the applicant to go through the PUD process.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to deny a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the front setback requirements from 25' to 20' and a variance of the side yard requirement to allow a zero lot line to allow duplexes to set across lot lines and a variance of the minimum lot width and lot area, on the following described property:

A tract of land, containing 7.50 acres, that is the W/2 of the NW/4 of the SE/4 of the SE/4 and the W/2 of the E/2 of the NW/4 of the SE/4 of the SE/4 of Section 16, Township 18 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, Oklahoma.

Case No. 12495

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial District - Request to allow a (Use Unit 14) veterinarian hospital, located at 6231 East 15th Street.

Presentation:

Attorney Curtis Culver, 5136 East 21st Street, was present representing Dr. D. H. Hohman, and submitted four (4) photographs of the subject property (Exhibit "I-1"). Mr. Hohman has operated a veterinarian hospital at the subject location for a number of years and desires to expand the facility. As the applicant made application to this Board he was advised that this property might be a nonconforming use which would require a special exception for the expansion. Mr. Culver advised that the veterinarian hospital is a Use Unit 14 and is permitted in an Industrial District by special exception.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in the Industrial District) to allow a (Use Unit 14) veterinarian hospital, on the following described property:

A tract of land being located in the SE/4 of the NE/4, Section 10, Township 19 North, Range 13 East, Tulsa County, Oklahoma, being more particularly described as follows: Beginning at a point on the South line of said SE/4 of the NE/4 said point being 622.52' West of the SE corner of said SE/4 of the NE/4; thence Northerly & parallel to the east line of said SE/4 of the NE/4 a distance of 496.00'; thence Westerly and parallel to the South line of said SE/4 of the NE/4 a distance of 100.00'; thence Southerly 3.24.83:383(11)

Case No. 12495 (continued)

and parallel to the East line of said SE/4 of the NE/4 a distance of 496.00' to a point on the South line of said SE/4 of the NE/4; thence Easterly along said South line a distance of 100.00' to the point of beginning, subject to an easement on the South 40' for Highway purposes, easements on the North 10' and the East 7.5' for utility purposes and other easements and building restrictions of record, containing 1.05 acres more or less.

Case No. 12497

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to permit a day care center. This property is at the SE corner of 36th Street and Hudson Avenue.

Presentation:

Dale Edmond, 6044 South Lakewood, requested permission to locate a day care center in Phillips Elementary School. The facility will provide day care needs for pre-schoolers, ages 4 and 5, and will provide day care for school aged children before and after school. The center will operate Mondays thru Fridays from 6:30 a.m. to 6:30 p.m., for twelve months a year.

Protestants: None.

Board Questions:

Mr. Chappelle inquired if any signs would be placed on the subject property and Ms. Edmond answered no. Mr. Chappelle also asked if there was a fenced play area for these children who attend the day care center and Ms. Edmond answered in the affirmative.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to permit a day care center five days a week (Monday thru Friday) from 6:30 a.m. to 6:30 p.m., and that there be no sign permitted, on the following described property:

A tract of land lying in the SE/4 of Section 22, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows, to-wit:

Beginning at a point in the North boundary of and 85 feet East of the Northwest corner of said SE/4 of Section 22; thence South and parallel to the West boundary of said SE/4 a distance of 500.00 feet to a point; thence East a distance of 670.00 feet to a point; thence North a distance of 500.00 feet to a point in the North boundary of said SE/4; thence West along the North boundary of said SE/4 a distance of 670.00 feet to the point of beginning, said Tract containing 7.7 acres more or less.

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture Districts - Request to allow a public park in the agriculture district; and a Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a public park in the residential district, located at 7710 E. 71st St.

Presentation:

Randy Nicholson, 200 Civic Center, was present representing Tulsa Parks and Recreation Department and submitted a plot plan (Exhibit "J-1"). The applicant proposes to locate a public park near 71st and Memorial which requires the two special exceptions. The subject property is presently zoned AG, RS-3, and RM-2. A lighted jogging trail, lighted tennis courts, parking area, restrooms and storage facilities and four lighted sport fields are some of the improvements added to the park. Mr. Nicholson further explained the proposed plot plan for the park at the subject location.

Protestants:

Barbara Capo, 3709 South 77th East Avenue, advised that she is not opposed to the park proposal, but is concerned about the four lighted ball fields which are located very near her residence. She was also concerned with the proposed time which the lights are turned off.

Comments and Questions:

The Staff inquired as to the normal hours that any scheduled lighted activities would take place and Mr. Nicholson advised that all lighted activities must cease at 11:00 p.m. and a 12:00 p.m. curfew for the other activities. Mr. Gardner suggested that if the application is approved that the 11:00 p.m. curfew for lighted facilities be included and that the lighting be directed inward away from the residential area.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts) to allow a public park in the agriculture district; and a Special Exception (Section 410-Principal Uses Permitted in the Residential District) to allow a public park in the residential district, that the lighting be directed inward to the east away from the residential area and that the lighted activities maintain an 11:00 p.m. curfew, on the following described property:

The West 990' of the N/2 of the SE/4 of the NE/4 of Section 11, Township 18 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, plus Lots 2, 3, 4, Block 1, Raphael Plaza, Tulsa County, State of Oklahoma, according to the recorded plat thereof, containing 23 acres more or less.

Action Requested:

Special Exception - Section 240.2 (h) - Permitted Yard Obstructions - Request to allow a carport in the front yard that is 26.5' from the centerline of 36th Street (the Code requires 50'). This property is located at 947 East 36th Street.

Case No. 12500 (continued)

Presentation:

Alfredo Rocha, 947 East 36th Street, requested permission to construct a carport at this residence and submitted a plot plan (Exhibit "K-1") and an elevation plan (Exhibit "K-2").

Protestants: None.

Comments and Questions:

Mr. Chappelle asked if there are other carports on 36th Street and Mr. Rocha answered no. It was advised that the house is approximately 55½' from the centerline of 36th Street and the carport would be located within 1½' of the right-of-way and within 26' of the centerline. Mr. Jackere, Legal Counsel, advised that 36th Street is a residential collector street with a proposed right-of-way of 60' and if the application is approved it should be subject to a removal contract. Mr. Rocha advised that he would comply with the removal contract if approved.

Paula Hubbard, Protective Inspections, advised that a building inspector issued a restraint order during the construction of the carport; therefore, the completion of the structure depends on this Board's decision. The applicant advised that he was not aware that a building permit was needed.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue this item to the April 7, 1983 meeting to allow the Board members time to view the subject property.

Case No. 12501

Action Requested:

Variance - Section 910 - Principal Uses Permitted in the Industrial Districts - Request to allow a security guard trailer which will be used as a residence to protect stored materials and warehouses. This property is located at 4212 SW Boulevard.

Presentation:

Leon Ragsdale, 1324 South Cheyenne Avenue, was present and submitted fourteen (14) photographs of the subject property (Exhibit "L-1"). The subject property is being leased from Burlington Northern Railroad and the applicant is requesting permission to place a double-wide mobile home on the property for security purposes. The security guard will reside in the mobile home to protect the materials stored at the subject property.

Protestants: None.

Comments and Questions:

Mr. Chappelle inquired as to the length of time needed for the mobile home and Mr. Ragsdale requested that it be approved as long as the lease is in effect. Mr. Chappelle inquired as to the location of the mobile home and the applicant advised that it would be placed north across the railroad and across Southwest Boulevard.

Case No. 12501 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 910 - Principal Uses Permitted in the Industrial Districts) to allow a security guard double-wide mobile home which will be used as a residence to protect stored materials and warehouses, subject to the time limit being tied to the lease with Burlington Northern Railroad, to run with this applicant only, on the following described property:

Beginning at a point 8.5' perpendicular distance in a Northwesterly direction from the centerline of LESSOR'S commercial tract on the North line of Section 27, Township 19 North, Range 12 East, Tulsa County, Oklahoma at Tulsa; thence Southwesterly parallel with 36.5' perpendicularly distant in a Northwesterly direction from the centerline of LESSOR'S hump lead 820.9'; thence Northwesterly at right angles 263.5' to LESSOR'S Northwesterly Right-of-Way line which is parallel with and 300' perpendicular distance in a Northwesterly direction of the centerline of said hump lead; thence Northeasterly along said Right-of-Way line to 532.8' to aforesaid Section line; thence East along said land line 390.4' to the POINT of BEGINNING, containing 175,350 square feet, 4.1 acres (Tr. No. 18807-211).

Case No. 12502

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to permit a mobile home located at 12th Street and 173rd East Avenue.

Presentation:

Carolyn Turner, Route 16, Box 124-B, was present and requested permission to locate a mobile home on the 2½ acre subject tract.

Protestants: None.

Board Questions:

Mr. Victor asked if there are other mobile homes in the area and Ms. Turner answered in the affirmative.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit a mobile home for a one-year period, removal bond required, subject to Tulsa City-County Health Department approval, on the following described property:

Lot 3, Block 5, Lynn Lane Estates, Tulsa County, Oklahoma.

Case No. 12503

Action Requested:

Variance - Section 910 - Principal Uses Permitted in the Industrial Districts - Request to locate a residence in an Industrial District. The property is located south of the SE corner of 3rd Street and Kenosha Avenue.

Presentation:

Chris Bernard, 2727 East 21st Street, attorney representing Andrew Price, advised that the two-story brick building presently on the subject property was previously used as a warehouse and is situated on two lots. The structure is one-story in the front and is two stories in height in the back. Andrew Price, an artist by trade, proposed to purchase this property and use the structure as a studio and his residence. Mr. Price desires to reside at this location in an apartment to serve as security for the equipment and materials stored at his studio. The exterior of the structure will not be altered.

Protestants: None.

Comments:

Mr. Gardner advised that the studio is permitted as a matter of right in an Industrial District, but the apartment is not. The applicant needs the variance granted for the living quarters even though it is an existing residence.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "absentions"; Purser, Smith, "absent") to approve a Variance (Section 910 - Principal Uses Permitted in the Industrial Districts) to locate a residence in an Industrial District, on the following described property:

Lots 10 and 11, Block 12, Hodge Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12504

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the side yard setback from 10' to 5' on the East in order to allow an overhang on the second-story for a balcony, located at 2476 East 10th Street.

Presentation:

Richard Holmes, attorney representing Toby Powell, 2207 North Rosedale Avenue, submitted a site plan (Exhibit "M-1"). The applicant proposes to construct fourteen one-bedroom condominium units on the subject property. A variance of the side yard setback of 5' on the east is requested to allow an overhang on the second-story for a balcony.

Protestants: None.

Case No. 12504 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the side yard setback from 10' to 5' on the east in order to allow an overhang on the second-story for a balcony, per site plan, on the following described property:

Lot 5, Block 4, Highlands Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12505

Action Requested:

Variance - Section 1450 - Structural Nonconformities - Request to expand a nonconforming use (build a garage for an existing house); and a Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to allow a Use Unit 17; and a Variance - Section 1217.3 (a) - Use Conditions - Request for a variance of the screening requirement when abutting an R district. This property is located at 404 South 49th West Avenue.

Presentation:

William Owen, 404 South 49th West Avenue, requested permission to construct a two car detached garage to be located behind his existing residence. The garage will be used for storage for his personal use and for an automotive business. Mr. Owen also requested a variance of the screening requirement as there is a large amount of trees and foliage on both sides of the residence which would block the view of the building. On the north side the property is bounded by existing businesses. To the south of the subject tract is an existing residence.

Protestants:

Three (3) letters of opposition were submitted for the Board's review (Exhibit "N-1").

Comments and Questions:

Mr. Victor asked if he was conducting the repair business at this time and Mr. Owen advised that he is not conducting the business, but has worked on his automobiles and friend's automobiles at the subject property.

The Staff advised that because the subject property is zoned commercial, approval is needed because the residence is nonconforming. Mr. Gardner suggested that the Board treat the request like a home occupation and the Board advised Mr. Owen of the home occupation regulations. It was suggested that all work be performed inside and that no outside storage be permitted. Mr. Wait inquired as to the size of the proposed garage and Mr. Owen advised that the building will be 24' x 26'.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 1450 - Structural Nonconformities) to expand a nonconforming use (build a garage for an

Case No. 12505 (continued)

existing house); and a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to allow a Use Unit 17, subject to no outside storage of inoperable vehicles or automotive parts, that all work be conducted inside the garage and that there never be more than two cars at a time awaiting repairs on-site, to run with this owner only, and that the building be limited to 24' x 26', on the following described property; and

on MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to deny a Variance (Section 1217.3 (a) - Use Conditions) of the screening requirement when abutting an R District, on the following described property:

Part of Lot 1, Block 1, beginning 24' West and 77' South of the NE corner; thence South 55'; thence West 140'; thence North 55'; thence East 140' to the Point of Beginning, LESS East 6th Street, Smith's Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12506

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow mobile home duplexes; and a Variance Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the Bulk and Area Requirements. This property is located at 118th East Avenue and East Admiral Place.

Presentation:

Warren Morris, P. O. Box 45551, advised that he is withdrawing the variance request to allow mobile home duplexes at this time. Mr. Morris submitted ten (10) photographs of the mobile homes (Exhibit "0-1") and a plot plan (Exhibit "0-2"). The proposed mobile home lots are 40' wide and the applicant is proposing to place 110 units on the subject tract. There are approximately 514,000 square feet of platted land contained in the property. According to the Zoning Code 94 units would be permitted, therefore, the applicant is requesting a waiver of the bulk and area requirements to permit the 110 units.

Mr. Morris advised surrounding the site is a 30' easement which he dedicated to the City. Adjoining this area is a 38-acre tract which the applicant also dedicated to the City for a park and detention facility. If the 30' easement and 38-acre tract were considered as a part of this application the variance would not be needed. The loss to the two properties creates a hardship.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to withdraw a Variance (Section 410 - Principal Uses Permitted in the Residential Districts) to allow mobile home duplexes; and to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the Bulk and Area Requirements, to permit a

Case No. 12506 (continued)

maximum of 110 units which each space shall be a minimum of 40' wide, per plot plan submitted, on the following described property:

A tract of Land in Lots 3 and 4, Section 5, Township 19 North, Range 14 East of the I.B. & M., Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows, to wit:

Commencing at the Northwest corner of said Section 5; thence due East a distance of 690.03' along the Section line; thence due East 552.65'; thence South 73°-00'-39" East 129.34'; thence South 80°-30'-42" East 268.84'; thence South 83°-04'-18" East 203.03'; thence South 14°-34'-13" East 233.59'; thence South 0°-09'-14" East 349.58'; thence North 89°-56'-29" West 150.00'; thence North 0°-03'-31" East 150.00'; thence North 89°-56'-29" West 603.87'; thence South 0°-03'-31" West 150.00'; thence North 89°-56'-29" West 150.00'; thence North 0°-12'-29" West 343.64'; thence North 30°-28'-55" West 357.05'; thence due West 116.63'; thence North 0°-12'-43" East 30.00' to the Point of Beginning, containing 11.8 acres, more or less.

Case No. 12507

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to allow mobile home sales in a CS District. This property is located at 118th East Avenue and Admiral Place.

Presentation:

The applicant, Warren G. Morris, requested that the application be continued.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue this item to the April 7, 1983 meeting.

Case No. 12508

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow mobile home duplexes; and a Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the bulk and area requirements, located at the SW corner of the Crosstown Expressway and 129th East Avenue.

Presentation:

Mr. Warren G. Morris, P. O. Box 45551, advised that he is withdrawing the variance to allow mobile home duplexes and submitted a layout of the proposed units on the subject property (Exhibit "P-1"). The 35-acre subject tract is zoned for mobile homes and the applicant intends to utilize the south 450' of the 35-acre tract. Mr. Morris is seeking a variance of the Bulk and Area Requirements to locate 228 mobile home units on the subject property. On the south 450' the applicant would

Case No. 12508 (continued)

be allowed 112 units, but he proposes to transfer some of the density from the north tract to the south tract. If the application is approved there would be approximately 138 units on the south 450' and approximately 90 units on the north portion. The overall density on the entire 35-acre tract will be considerably less than allowed in the Bulk and Area Requirements. There will be approximately 40% increase of density in the south portion of the tract. Each lot will be approximately 40' wide.

Protestants: None.

Comments and Questions:

The Staff advised that the entire subject property has been zoned RMH by the City Commission, the Ordinance has not been published for the north portion because his engineer has not defined the floodway boundaries. The whole piece of property has been advertised so the approval can be tied to the conceptual plan that none of the lots will be less than 40' wide and any other restrictions which the Board would choose to impose.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to withdraw the Variance (Section 410 - Principal Uses Permitted in the Residential Districts) to allow mobile home duplexes; and to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the Bulk and Area Requirements to allow the proposed approximate 228 units as presented on the conceptual plot plan with no lot being less than a minimum of 40' in width, and that the southern 450' of property shall not exceed 138 units and to approve approximately 90 units on the remaining northern portion, on the following described property:

The SE/4 of the SE/4 of Section 32, Township 20 North, Range 14 East, lying South of I-244, in Tulsa County, Oklahoma.

Case No. 12509

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to permit a childrens youth care home. This property is located at the NW corner of 7th Street and Delaware Ave.

Presentation:

Roy Johnsen, 324 Main Mall, attorney representing Christopher Youth Center, submitted four (4) letters in support of the application (Exhibit "Q-1"); five (5) photographs of the subject property (Exhibit "Q-2") and a list of seven (7) conditions or restrictions which will be applicable to the youth center (Exhibit "Q-3").

Mr. Johnsen advised that the Board previously approved the application for a period of one-year to allow the board to review the use and the operation of the facility after the one-year time limit. The center was previously located at 17th Street and Peoria Avenue. Christopher Youth Center is an accredited licensed child agency. The purpose for the facility is to provide housing, supervision and counseling of boys

who are a maximum age of 15. The residence presently houses 9 to 10 boys from the ages of 11 to 15 and will never have more than 10 boys residing in the residence at any one time. The ultimate goal is to place the boys in foster homes, or preferably back in their natural home with their parents. The average stay at the youth center is from six months to one-year. There are eight fulltime guidance counselors, one consulting psychiatrist and one director supervising the children at this location.

Mr. Johnsen advised that he was aware of one protestant, Merrill Kuske, who is opposed to the application because he feels that some of the boys from the youth center committed acts of vandalism, which the youth center totally disagrees. A complaint was filed with the Police Department and the matter was dropped. Mr. Johnsen contended that the youth center is not an annoyance and feels that the accusations are untrue.

Protestants:

Merrill Kuske, 5804 South Atlanta Avenue, was present in protest to the application and advised that he owns the 13 unit apartment complex located to the west of the subject property. During the construction of the apartment complex from February to August 1982, some of the boys from the youth center committed acts of vandalism. Mr. Kuske advised that the boys threw rocks through windows and against the building, disturbed the employees' automobiles and ran, without control, through the surrounding area. Mr. Kuske advised that on at least twenty occasions, without any supervision, he viewed these boys running uncontrolled in the neighborhood and committed some of these acts. He advised that he contacted one of the Staff members at the youth center and then proceeded to contact the police.

Debra Denson, 2737 East 7th Street, advised that she is the current manager of the 13 unit apartment complex which was recently constructed and was referred to previously. Ms. Denson advised that she has scolded the boys who reside at the youth center because they disturb the tenants who live in the complex. Ms. Denson advised that the boys have disturbed the tenants as early as 6:00 a.m. and as late as 11:00 p.m.

Eugene Colleoni, District #4 Chairman of the Greater Tulsa Council, advised that many of the surrounding property owners were fearful of the incidents which could take place when the application was previously before the Board. Mr. Colleoni recognized the community needs to help these juvenile boys. If the approval of the application is renewed it was requested that the facility be bounded by very strict regulations and if those rules are violated that the approval be terminated.

Applicant's Rebuttal:

Dr. Thomas McKee, director of Christopher Youth Center, advised that he was baffled when the protestants presented their accusations concerning the boys residing in the youth center. The boys at the youth center are on a strict schedule and their bedtime during the week is 9:00 p.m. and at 9:30 p.m. on Friday and Saturday nights, with no exceptions being made. The boys are closely supervised at all times and the children are not allowed to go outdoors unless a supervisor is with them.

Comments and Questions:

Mr. Victor advised that he lives near 17 Street and Peoria Avenue and was aware of the youth center at the previous location. He contended that he never saw a supervisor with the children when they were outdoors, but also stated that he never was aware that the boys caused any problems to the neighborhood. Mr. McKee advised that the Christopher Youth Center was not founded until March 1980 and previous to the youth center being located at 17th and Peoria, the facility was used as a residence for young men who had been adjudicated delinquents. Mr. Johnsen advised that the only complaint which the applicant was aware of was from Mr. Kuske. He also advised that if the application is approved and the conditions are not followed, it would be subject to revocation, if required.

Discussion ensued concerning the manner in which to make sure that the youth center complies with the restrictions and conditions. The Staff suggested that if acts of vandalism, nuisance or loud noise is prevalent that the witness or witnesses immediately follow the child to his residence and advise the supervisor so that corrective action can be taken. Complaints may also be submitted to the Building Inspector's Office and/or the City Prosecutor's Office if the employees of the youth center do not satisfy the complaintant. The Board advised the protestants and other neighbors to monitor the operation and if a violation is made, to report it to the supervisor and one of the City Departments previously stated.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to permit a childrens youth care center, for a period of one-year, to run with this owner only, that the use, standards and conditions be adhered to which include: That purpose of the facility is to provide housing, supervision and counseling; the youth center shall maintain any current required licensing by the State of Oklahoma; the number of children residing on the premises shall not exceed ten (10); no child shall exceed the age of sixteen (16); the staff shall consist of not less than one director, a psychotherapist, a consulting psychiatrist, and eight fulltime guidance counselors; that there be no exterior structural alterations of the existing building and that no sign other than customary street address shall be permitted, on the following described property:

The South 75' of Lot 6, Block 16, Highlands Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request for a temporary mobile home hookup to be used as a living quarters, located at 7900 South Union Avenue.

Presentation:

Ray Tucker was present representing the present owner of the subject property and the potential purchaser, John Sohl, Star Route South, Box 1-C, Locust Grove, Oklahoma. The applicant is requesting permission to locate a mobile home on the one and one-half acre vacant tract for a

temporary time period. The mobile home will be used as a residence for security purposes while a small veterinary clinic and housing quarters is constructed on the subject property. When the clinic and housing quarters are completed the mobile home will be removed from the tract.

The Staff suggested that the application be continued pending the outcome of the zoning application before the Planning Commission.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue this item to the April 21, 1983 meeting.

Discussion:

There were several protestants present who requested that the Board act on the application before the Planning Commission made a determination. Many of the protestants stated that the applicant is seeking a lot split on this property. The Staff advised that a lot split application is not presently before the Board, but possibly a previous lot split was approved. The protestants advised that the lot split is in violation of the restrictive covenants and the Board advised that a violation of restrictive covenants is a private matter. The protestants requested that the portion concerning approval of the temporary mobile home be determined at this time.

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to rescind the motion for continuance.

Protestants:

John Hall, Executive District Chairman of District 8 of the Greater Tulsa Council, was present representing the District 8 Chairman, Jon Ferris. Mr. Hall submitted a copy of a letter which Mr. Ferris wrote to the Chairman of TMAPC (Exhibit "R-1") and proceeded to read the letter into the record. Mr. Hall advised that the approval of the mobile home at this location would not conform to other living accommodations in this area. If the application is approved the mobile home would be an eyesore to the area and would decrease property values. Mr. Hall also submitted a protest petition signed by approximately 107 property owners in the immediate area (Exhibit "R-2").

Lonnie Penny, 7901 South Waco Avenue, advised that she lives directly west of the subject property. Ms. Penny stated when she moved into the neighborhood she was advised that all lots were to consist of at least 2½ acres and that no splitting of lots would be permitted. Ms. Penny did not feel that a mobile home and a commercial business would be appropriate in this area.

Virginia Waddington, 7701 South Xenophon Avenue, advised that she owns three tracts in the immediate area and was concerned that the soil in the area is in poor condition and did not feel the subject tract would perc for the septic tanks.

Discussion:

Mr. Jackere, Legal Counsel, advised that if the Planning Commission approved the rezoning request (Z-5812) during the period of construction

Case No. 12510 (continued)

the Building Inspector has the authority to issue a building permit for a nonresidential use. The mobile home would be permitted as a construction office but not as a residence. If the application is approved it should be subject to the Planning Commission's approval of the rezoning.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) for a temporary mobile home hookup to be used as living quarters, subject to approval of a building permit for the veterinary clinic for a period of one-year, subject to a favorable determination of the Planning Commission to rezone the property (Z-5812) to be effective when the Planning Commission approves the rezoning, removal bond required, on the following described property:

The North 197.50' of the NE/4 of the NE/4 of the SE/4 of the SE/4 of Section 10, Township 18 North, Range 12 East of the I. B. & M., according to the U. S. Government Survey thereof in Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 12469

Action Requested:

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

Presentation:

Bob Compton, 8522 East 71st Street, submitted a substitute plot plan (Exhibit "S-1"). The application was approved on February 24, 1983, per plot plan, but the applicant is required to change the plan and to move two bays 25' north due to the utility easement located on the site.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve the substitute plot plan as submitted.

Case No. 12496

Action Requested:

Request to withdraw and refund the fees for Case No. 12496.

Presentation:

Ricky Jones advised that the applicant, Kathleen Lucas, requested that the application be withdrawn and receive a refund of fees. Mr. Jones advised that the Staff has done no work on the application.

Protestants: None.

Case No. 12496 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to refund the fees (\$35.00) for Case No. 12496.

Case No. 11951

Action Requested:

Request to substitute Development Standards for Case No. 11951.

Presentation:

Charles Norman, 909 Kennedy Building, submitted a plat (Exhibit "T-1") and a letter reflecting modification of the Development Standards (Exhibit "T-2"). In May of 1982 the Board approved use on the property contained in the Wagon Wheel Trade Center Plat to permit Use Units 15 and 17 on part of the property and to restrict the retail use on the portion only on the arterial street. The subject property is zoned CS which requires 50' of frontage on any lot on a nonarterial street. The Development Standards which were submitted in May of 1982, reflected that the lot width would be 70', but inadvertently lots 14 through 22 inclusive, Block 1, have frontages on a nonarterial street of less than 70' although all of the lots have frontages of at least 50' as required in a CS District.

Comments:

The Staff advised that the applicant submitted Development Standards more restrictive than the Zoning Code requires. The applicant now wishes to modify that one restriction which required 70' wide lots to 50' wide lots which still meets the Zoning Code requirement.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a modification of the Development Standards as submitted, to permit 50' wide lots in Block 1, Lots 14 through 22 of Wagon Wheel Trade Center.

There being no further business, the meeting was adjourned at 5:07 p.m.

Date Approved

May 5, 1983
Adrian M. Smith
Chairman