

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 384
Thursday, April 7, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, April 5, 1983, at 11:51 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 1:06 p.m.

MINUTES:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the Minutes of February 24, 1983 (No. 381) and March 10, 1983 (No. 382).

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12499

Action Requested:

Variance Section 330 - Bulk and Area Requirements in the Agriculture Districts - Request for a variance of the required lot width from 200' to 135' and 150'. Also a request for a variance of the lot area from the required two acres to permit two one-acre tracts in order to permit a lot split; and a Variance - Section 207 - Street Frontage Required - Request for a variance of the frontage requirements from 30' to 15'. This property is located at approximately the 7300 Block South Elwood Avenue.

Presentation:

Charles Lunsford, 8410 South Quebec, submitted a plat (Exhibit "A-1"). Mr. Lunsford requested that the lot split and variance of the frontage be approved as it would be an asset to the area and would not adversely affect the neighborhood.

Protestants: None.

Board Comments:

Chairman Smith advised that the Planning Commission approved the lot split at their meeting yesterday.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts) of the required lot width

Case No. 12499 (continued)

from 200' to 135' and 150' and a variance of the lot area from the required two acres to permit two one-acre tracts in order to permit a lot split (L-15730); and a Variance (Section 207 - Street Frontage Required) of the frontage requirements from 30' to 15' on the following described property:

The S/2, N/2, NW/4, SW/4, NW/4 and the S/2 N/2 NE/4 SW/4 NW/4 and the N/2 N/2 NE/4 SW/4 NW/4 all in Section 12, Township 18 North, Range 12 East in Tulsa, Tulsa County, Oklahoma.

Case No. 12518

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the frontage requirements from 60' to 47', a variance of the lot area from 6,900 sq. ft. to 4,975 sq. ft. and 4,550 sq. ft., a variance of the rear yard setback from 20' to 15' all to allow the splitting of three existing duplexes into three separate lots. This property is located at 701-707 North Gillette Ave.

Presentation:

Ronald Tracy, 2245 South Troost Avenue, submitted a plat of survey (Exhibit "B-1"). Mr. Tracy requested that the lot split be approved to allow the three separate structures on individual lots. A variance of the frontage requirements and lot area is also being requested.

Protestants: None.

Board Comments:

Chairman Smith advised that the planning Commission approved the lot split yesterday.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the frontage requirements from 60' to 47' and a variance of the lot area from 6,900 sq. ft. to 4,975 sq. ft. and 4,550 sq. ft. and a variance of the rear yard setback from 20' to 15' all to allow the splitting of three existing duplexes into three separate lots, per plat of survey, on the following described property:

Lots 9 and 10, Block 14, Cherokee Heights Addition in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12530

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial District - Request for a variance of the frontage requirements from 150' to 51' and 49' in order to permit a lot split for two existing buildings. This property is located at 2728 North Sheridan Road.

Presentation:

Barry Nichols represented Gary Witty, 2728 North Sheridan Road, and submitted a plat of survey (Exhibit "C-1"). Mr. Witty was also

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present. Mr. Nichols advised that a similar application requesting a lot split on the subject property was denied by the Board on January 27, 1983. One protestant was present from the previous hearing and advised that he was in opposition to the request as the subject buildings are in a floodplain. Mr. Nichols advised that the subject buildings are not in a floodplain. There are two buildings located on the subject property which are on the sanitary sewer system and an 11' utility easement on the west has been met.

The applicant requests the variance in order to create a 51' wide lot and a 49' wide lot on an unplatted piece of property which was originally 100' x 140' in size. The IL District requires 150' of frontage on a major street which is being varied. Many of the lots on North Sheridan do not meet the 150' frontage requirement. Mr. Nichols presented a copy of the January 27, 1983 Minutes for the Board's review.

Protestants: None.

Comments:

Mr. Gardner advised that previously the Planning Commission approved the lot split in January 1983, but the Board denied the same lot split. The Minutes reflect that Mr. Witty was not present for the previous meeting to support the application. The application was readvertised and there are no protestants at this hearing.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial District) of the frontage requirements from 150' to 51' and 49' in order to permit a lot split for two existing buildings, per plat of survey, on the following described property:

Beginning at a point 165.1' South and 50' West of the NE corner of the NE/4, SE/4, SE/4 of Section 22, Township 20 North, Range 13 East; thence West 140'; thence South 100'; thence East 140' and North 100' to the point of beginning containing .32 acres, more or less, in the City of Tulsa, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

Case No. 12500

Action Requested:

Special Exception - 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, (Code requires 50'). This property is located at 947 East 36th Street.

Presentation:

Alfredo Rocha, 947 East 36th Street, requested permission to construct a carport and submitted a drawing of the elevation and materials to be used (Exhibit "D-1") and a plat of survey (Exhibit "D-2"). Mr. Rocha advised that the total length of the proposed carport is 28.6' which is approximately 1-1/2' short of City property. If 36th Street is to be widened in the future the applicant intends to reduce the carport from

Case No. 12500 (continued)

28' to 14'. Mr. Rocha advised that he was not aware that a building permit was required and has constructed approximately 75 of the carport.

Protestants: None.

Board Comments:

Chairman Smith advised that this application was continued for a two week period to allow the Board members to view the subject property. There are no other carports on the subject block of 36th Street. Mr. Victor contended that the carport is not in keeping with the residential character and design of the area.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Special Exception (Section 240.2 (h) - Permitted Yard Obstructions) to allow a carport in the front yard that is 26.5' from the centerline of 36th Street, on the following described property:

Lot 26, Block 3, Rayvern Park Addition in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12507

Action Requested:

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

Presentation:

Warren G. Morris, P. O. Box 45551, was present requesting permission to use the subject property as a mobile home park. Mr. Morris stated that he would provide a 6-foot cedar fence along the back where the mobile homes back up to Admiral Place, the major street.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to allow a mobile home park in a CS District, subject to a 6-foot screening fence requirement along Admiral Place, 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 along the section line 1,242.68'; thence South 73°-00'-39" East 129.34'; thence South 80°-30'-42" East 268.84'; thence South

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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' to the Point of Beginning; thence North 89°-56'-29" West 603.87'; thence North 0°-03'-31" East 150.00' thence South 89°-56'-29" East 603.87'; thence South 0°-03'-31" West 150.00 feet, containing 2.1 acres, more or less.

Case No. 12513

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwellings (mobile homes) on one lot of record; and a Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow mobile homes in an RS-3 District located at 426 West 36th Street.

Presentation:

Chairman Smith advised that the applicant, James McHenry, submitted a letter requesting that the application be withdrawn and requested a refund of fees (Exhibit "E-1"). Mr. McHenry was present and requested that the withdrawal and refund of fees request be withdrawn and asked that the application be heard at this time. The Staff advised that they received the notice asking a withdrawal approximately half-way through the process of preparing the case for public hearing. Notices to property owners within 300' of the subject property were sent out, but the case report was not fully prepared. It was suggested that the case be continued to assure that publication in the legal news was made and to complete the preparation for the case to be heard. Mr. McHenry had no objection to continuing the case. Chairman Smith advised the applicant that additional fees would be needed to proceed with the public hearing at the next meeting.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the April 21, 1983 meeting.

Case No. 12514

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to permit a mobile home located at 425 South 39th West Avenue.

Presentation:

Charles Newport, 6506 West 10th Street, submitted a photograph of the mobile home (Exhibit "F-1") and a petition in support of the application (Exhibit "F-2"). Mr. Newport's son spoke on behalf of his father and requested that the mobile home be permitted on the subject property:

Protestants: None.

Comments and Questions:

Chairman Smith asked if there are other mobile homes in the area and the applicant answered no. Mr. Gardner advised that the Board can grant a

Case No. 12514 (continued)

one-year approval and at the end of that time period the applicant will have the opportunity to renew the approval.

Chairman Smith asked if the mobile home will be on City sewer and Mr. Newport's son answered in the affirmative.

Board Action:

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

Lot 7, Block 1, Park View Place Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12515

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request for a Use Unit 17 (tire store, changing and selling tires and front end work), located on the west side of Lewis at 88th Street.

Presentation:

Harold Burlingame, 3126 East 41st Street, owner of the subject property, submitted a plat of survey (Exhibit "G-1") and a plot plan and elevation plat (Exhibit "G-2"). Mr. Burlingame sold the subject property to Jerry Burggraf who intends to build an automobile tire store, which requires the granting of a special exception for a Use Unit 17. The proposed tire store will be used in selling tires and performing front end alignment and balancing wheels when they are purchased. Mr. Burlingame advised that there would be no outside storage of automobiles or parts. All work would be conducted inside the structure. There will be no other automotive work, repairing, or overhauling done at the subject property other than was previously stated. If the structure is permitted it will not be a detriment to the immediate area.

Protestants: None.

Comments and Questions:

Mr. Jackere, Legal Counsel, asked if truck tires would be sold at the site and Mr. Burlingame advised that only light duty truck tires would be sold at this location. Mr. Chappelle inquired as to the proposed construction of the building and the applicant advised that the structure would be a pale yellow concrete building.

Mr. Chappelle inquired as to the frontage of the lot and Mr. Burlingame advised that the lot contains 237' of frontage and is 200' deep on the north and approximately 140' on the back. Discussion then ensued concerning the amount of sign display permitted and Mrs. Miller, Protective Inspections, advised that 2.5 sq. ft. per lineal foot is permitted which could total approximately 600 sq. ft. Mr. Burggraf advised 200 sq. ft. would allow adequate space for advertising signs.

Case No. 12515 (continued)

The Board was concerned with the open bays facing South Lewis Avenue and Mr. Burlingame advised that other layouts were attempted, but the proposed location appears to be the best location. Mr. Wait inquired as to the days and hours of operation and Mr. Burggraf advised that the store would be open from 8:00 a.m. to 6:00 p.m. during the week and from 8:00 a.m. to 4:00 p.m. on Saturdays.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) for a Use Unit 17 (tire store, changing and selling tires and front end work), subject to the owner limiting the advertising sign to 200 sq. ft. maximum, no outside storage, all work is to be performed inside the structure, no wholesale warehousing operations are permitted, no other automobile work is permitted other than tire changes, front end work and balancing of wheels; no truck tires other than for light duty trucks are to be sold from the site; and that the building be constructed of concrete and to be a pale yellow color as reflected on the drawings, and that the location be in accordance with the site plan, on the following described property:

Lot 3, Block 2, Southern Villa Mobile Park Amended, Tulsa County, Oklahoma.

Case No. 12516

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record- Request to allow two dwellings on one lot of record; and a Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a mobile home in an RM-1 District; and a Variance - Section 440.6 (e) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the one-year time limit located at 1416 East 64th Street.

Presentation:

Madeline Barbara, 1416 East 64th Street, was present and requested permission to locate a mobile home on the subject property.

Ted Gray, 1422 East 64th Street, was present and spoke on behalf of Mrs. Barbara. The applicant's house is presently located on the site and she intends to place a mobile home on the property for her son and his wife to reside in and to care for Mrs. Barbara as she is elderly and needs her son's assistance. Mr. Gray advised that the mobile home will not be visible from any street. Mrs. Barbara has received approval from the Health Department. The mobile home will be placed between the residence and the barn.

Interested Party:

Paul Strizek, 1373 East 66th Place, stated that he was in opposition to the placement of the mobile home because it would be visible from his residence, but was advised that the mobile home would be located between the residence and the barn on the subject property and no longer has any objections.

Case No. 12516 (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 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwellings on one lot of record; and a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow a mobile home in an RM-1 District; and to DENY a Variance (Section 440.6 (e) - Special Exception Uses in Residential Districts, Requirements) of the one year time limit; subject to Tulsa City-County Health Department approval, for a one year time period, removal bond required, and that the mobile home be located between the barn and the residence, on the following described property:

Lot 2, Block 3, Valley View Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12517

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to allow Use Units 15 and 17; and a Special Exception - Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements - Request to remove the screening requirement from the abutting R District to the north located east of the Northeast corner of 31st Street and Mingo Road.

Presentation:

Monty Dunham, Suburban Development Company, requested permission to allow Use Units 15 and 17 on the subject property and requested the screening requirement be waived. The subject property is currently zoned CS and the waiver of the screening requirement is being requested between the CS zoning and RS zoning where there is a 117' creek easement. The City of Tulsa will not allow a fence at this location because access to the creek is necessary. Mr. Dunham advised that he owns the property adjacent to the east and west and he has visited with the property owners on each side of the property and they have no objection to his request. The applicant was unsure at this time the specific uses proposed under Use Units 15 and 17.

Protestants: None.

Comments and Questions:

Discussion ensued concerning the possible uses proposed for the subject property. The Board was concerned that there be no outside storage on the tract. The Board also advised the applicant of various uses which they would object to. Mr. Jackere, Legal Counsel, suggested that the uses under each Use Unit are grouped together because they have very similar types of characteristics. He suggested that if the characteristics are objectionable to place limitations or restrictions on the approval.

The Staff advised that the Board has approved Use Unit 15 on many occasions and the primary uses are conducted inside a structure which does not present a problem to the Staff. Use Unit 17 is generally associated without outside storage and use. Mr. Gardner suggested

Case No. 12517 (continued)

that the Board approve the Use Unit 15 portion and approve Use Unit 17 portion, subject to the Board's review of the specific use that might fall under Use Unit 17, or approve only Use Unit 15 at this time.

Mr. Jackere suggested that the Board approve Use Unit 15 and Mr. Dunham stated that he would withdraw Use Unit 17.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to allow Use Unit 15 and to delete Use Unit 17 request; and to approve a Special Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement from the abutting R District to the north, on the following described property:

The East 153 feet of Lot 5, Block 1, less the South 140 feet thereof, Longview Lake Estates Center Amended, Tulsa County, State of Oklahoma.

Case No. 12519

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in the Office Districts - Request to locate a single-family dwelling in an OM District located at 8220 East Skelly Drive.

Presentation:

John Giesen, 8220 East Skelly Drive, Training Director for Tulsa Carpenters Joint Apprenticeship Committee, was present and requested permission to locate a single-family dwelling on the subject property. Mr. Giesen submitted six (6) letters from immediate property owners who have no objection to the proposal (Exhibit "H-1"). Mr. Giesen advised that the organization trains approximately 160 apprentices a year. The residential structure will be constructed on the parking lot as a project which will be started in September and completed in May. The dwelling unit will be removed from the tract during the summer months and another residential unit will be started the following September. When the structure is completed it will be sold to a non-profit organization at material cost.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 610 - Principal Uses Permitted in the Office Districts) to construct a single-family dwelling in an OM District, on the following described property:

Lot 7, Block 1, Groveland Addition to Tulsa County, Oklahoma.

Case No. 12520

Action Requested:

Variance - Section 240.2 (e) - Permitted Yard Obstruction - Request for a variance of the size of an accessory building from 750 sq. ft. to 1,500 sq. ft. located at 8918 East 12th Street.

Presentation:

Tom Conner, 6745 Amah Parkway, Claremore, Oklahoma, was present representing the applicant, Leon Carter, and submitted a plat of survey (Exhibit "I-1"); an elevation plan (Exhibit "I-2") and a color scheme (Exhibit "I-3"). Mr. Carter proposes to construct an accessory building on his property to be used for his own personal use and storage of his vehicles. The building will not be used for commercial purposes, but merely for storage purposes. The proposed metal building will consist of earth tone with Desert Tan for the sidewall and Burnished Slate for the trim. Eventually the applicant intends to stone the building to be compatible with his residence.

Protestants: None.

Board Questions:

Mr. Victor inquired as to the height of the building and Mr. Conner advised the building will be 13' & 3" to the very peak of the structure.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 240.2 (e) - Permitted Yard Obstruction) of the size of an accessory building from 750 sq. ft. to 1,500 sq. ft., subject to the applicant filing a covenant to run with the land; that the structure cannot be used for business purposes now or in the future, per plot plan and that the building sidewall be a Desert Tan color and the trim be Burnished Slate, on the following described property:

Beginning 685.85' ^{T-19-N, R-13-E} (South and 495' East of the NW corner of the NE/4 of Section 12; thence South 305.415'; thence East 165'; thence North 305.415'; thence West 165' to the Point of Beginning, in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12521

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to permit a mobile home in an RM-1 District located at the SW corner of Erie Avenue and Xyler Avenue.

Presentation:

Tom Adams, 2035 North Erie Avenue, submitted a plat of survey (Exhibit "J-1") and three (3) photographs of other mobile homes located in the subject area (Exhibit "J-2"). Mr. Adams requested permission to place a mobile home on the subject tract and advised that there are five mobile homes within one and a half blocks of his property.

Protestants: None.

Case No. 12521 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to permit a mobile home in an RM-1 District, for a one year period, removal bond required, on the following described property:

Lot 1, Block 20, Original Townsite of Dawson, Tulsa County, Oklahoma.

Case No. 12522

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to permit church use; Variance - Section 440.7 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the setback from an abutting R District from from 25' to 10'; and a Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for for a variance of the setback from the centerline of 45th West Avenue and West 5th Street from 50' to 35'; and a Variance - Section 1450 - Structural Nonconformities - Request to enlarge a nonconforming structure; and a Variance - Section 1205.3 - Use Conditions - Request for a variance of the minimum lot size from one acre to 13,250 square feet; and a Variance - Section 1205.4 - Off-Street Parking and Loading Requirements - Request for a variance of the required parking spaces from 36 to 33 spaces. This property is located at 4421 West 5th Street South.

Presentation:

Stan Bolding, 419 South 47th West Avenue, was present representing Church of God of Prophecy, and submitted a plot plan (Exhibit "K-1"). The existing church building has been located at the subject property since 1938 and the applicant proposes to put a gable pitched roof on the structure and add two classrooms upstairs in the area to the north of the sanctuary. Mr. Bolding also advised that the Church plans to pave the parking lot. At the present time parking spaces are provided for twenty (20) cars, but the applicant intends to add 13 additional parking spaces making a total of 33 parking spaces.

Mr. Bolding stated that there will be no encroachments other than what is presently existing, except the gable roof and a volted roof in the sanctuary and the classroom space provided upstairs.

Protestants: None.

Comments and Questions:

Chairman Smith asked if the church building would be used as a day care center or a school and Mr. Bolding answered no and stated that the classroom additions will only be used for Bible school.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit church use;

Case No. 12522 (continued)

and a Variance (Section 440.7 - Special Exception Uses in Residential Districts, Requirements) of the setback from an abutting R District from 25' to 10' and a Variance (Section (Section 430 - Bulk and Area Requirements in the Residential Districts) of the setback from the centerline of 45th West Avenue and West 5th Street from 50' to 35'; and a Variance (Section 1450 - Structural Nonconformities) to enlarge a nonconforming structure; and a Variance (Section 1205.3 - Use Conditions) of the Minimum lot size from one acre to 13,250 square feet; and a Variance (Section 1205.4 - Off-Street Parking and Loading Requirements) of the required parking spaces from 36 to 33 spaces, per plot plan, on the following described property:

Lots 13 and 14, Block 4, Verndale Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12523

Action Requested:

Variance (Section 610 - Principal Uses Permitted in the Office Districts- Request for a use variance to add a tearoom to an existing antique store. This property is located at 1860 East 15th Street.

Presentation:

Gene Curlin, 1234 East 29th Street, was present and submitted numerous photographs depicting the structures located on 15th Street from Lewis to Utica Avenues (Exhibit "L-1") and a plat (Exhibit "L-2"). Ms. Curlin requested permission to use the existing structure as a tearoom and an antique store. The previous owner used the structure as an antique store for 17 years. The applicant stated she would be selling English antiques largely and hand painted porcelain. The tearoom will be used to serve tea and English pastries to the customers who visit the antique store. There will be no alterations to the outside of the structure with the exception of added landscaping to the existing driveway. The Health Department has visited the premises and approved the kitchen facilities for preparing the food served at the subject location.

Parking for the facility will be provided at the back of the structure. The lot contains 2,436 square feet which requires 10 parking spaces, but the applicant proposes to provide 24 parking spaces and a yard in the back. Ms. Curlin advised that all of the structures along 15th Street in this area are used for businesses save for three which are private homes.

Protestants:

Sherry White, 1518 South Gillette Avenue, representative of the Planning District #6, submitted a protest petition signed by approximately 84 owners in the immediate area (Exhibit "L-3") and eleven (11) photographs of the subject property and surrounding properties (Exhibit "L-4"). Ms. White advised that the subject area is presently zoned Light Office and not Commercial. The District feels that allowing commercial use in the subject area will be detrimental to the existing office properties. If the application is approved an increase in commercial traffic, signs and lighting would occur and also, a loss of natural resources such as trees and grassy area. Ms. White stated that a hardship was not shown and approval of the request would be in violation of the District #6 plan.

Case No. 12523 (continued)

Interested Party:

A letter was submitted from the owner of 1840 and 1844 East 15th Street stating that he has no objection to the proposal (Exhibit "L-5").

Applicant's Rebuttal:

Ms. Curlin advised the Board of many commercial businesses presently located in the immediate area although the area is primarily light office in nature. Ms. Curlin also reminded the Board that an antique shop was located at the subject location for the past 17 years.

Comments and Questions:

Mr. Victor inquired as to the amount of seating room for the customers as they eat and Ms. Curlin advised that there will be from 10 to 15 tables provided. Mr. Victor also inquired as to the days and hours of operation and the applicant stated that the business would open between 8:00 a.m. and 10:00 a.m. depending on the opening hours of other businesses in the area and would close at 5:30 p.m. The applicant was unsure as to the days of operation.

The Staff advised the Board of several concerns such as the use being contrary to the Comprehensive Plan and that it would lead to commercial uses and zoning if approved. Chairman Smith was concerned that no hardship was shown.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Variance (Section 610 - Principal Uses Permitted in the Office District) to add a tearoom to an existing antique store on the following described property:

Lot 3, Block 1, Terrace Park Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12524

Action Requested:

Special Exception - Section 420 - Accessory Uses in the Residential Districts - Request to allow a home occupation (flower shop) located at 1031 East Apache Street.

Presentation:

Peter Jordan, 1031 East Apache, advised that he presently owns and operates a flower shop at 545 East Apache Street and is requesting permission to locate the flower shop in his home. The flower shop is a family owned and operated business and would be operated primarily by Mr. and Mrs. Jordan and delivery help from one of their sons. Mr. Jordan advised that his wife is in poor health and having the shop in the residence would be beneficial to Mrs. Jordan. Mr. Jordan advised that there will be paved parking in front of the residence. Most of the business will be conducted over the phone. The applicant advised that there will be no more square-footage added, but merely enclosing the porch. There are commercial businesses located throughout the subject area.

Protestants: None.

Case No. 12524 (continued)

Comments:

Mr. Gardner advised that the applicant previously proposed to zone the subject property to commercial zoning, but the Staff advised him that the change in zoning would be contrary to the Comprehensive Plan. The applicant intends to reside at the residence; therefore, the request should be treated much like a home occupation. The Staff stated that the applicant needs a variance of the setback and the use; therefore, readvertisement will be required since it is a use variance. Mr. Victor stated that his only concern was that the request is for a home occupation, but the applicant needs variances to some of the home occupation requirements. If the application is approved as advertised today the applicant would be limited in the use and would not fully meet his needs.

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 item to the April 21, 1983 meeting.

Case No. 12525

Action Requested:

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

Presentation:

The applicant, Mike Taylor, was not present. Chairman Smith advised that the Board received a letter from Mr. Taylor requesting that the case be continued for a two week period (Exhibit "M-1").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue this item to the April 21, 1983 meeting.

Case No. 12526

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the rear setback from 25' to 3' in order to add onto an existing nonconforming structure located at 2932 Woodward Boulevard.

Presentation:

C. S. Lewis III, 2932 Woodward Boulevard, submitted a floor plan (Exhibit "N-1") and a plat of survey (Exhibit "N-2"). Mr. Lewis advised that he proposes to enclose the existing screened porch and extend the room addition closer to the rear setback than the house presently exists. The applicant advised that the proposed addition will not extend into the rear yard as far as requested above. (3')

Protestants: None.

Case No. 12526 (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 rear setback from 25' to 3' in order to add onto an existing nonconforming structure, per plot plan, on the following described property:

Lot 1, Block 3, Indian Woods Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12527

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential District - Request to allow office use in an RS-3 District; and a Variance - Section 1211.3 - Use Conditions - Request for a variance of the screening requirement from abutting R District located at 1321 East 35th Street.

Presentation:

C. S. Lewis, III, 2932 Woodward Boulevard, represented Max Lee and Associates, Ltd. and submitted twelve (12) photographs of the subject property and surrounding properties (Exhibit "0-1") and a letter from Mr. Lee which was sent to property owners within 300' (Exhibit "0-2"). Mr. Lee proposes to relocate his interior design office in the residential structure on the subject property. The applicant proposes to remodel the interior and maintain the exterior residential appearance of the structure. Mr. Lewis requested that the screening requirement be waived to enhance the residential character of the residence. The applicant intends to expand the driveway to allow for three cars in the driveway at any one time. Mr. Lee expects very few customers to visit the residence and anticipates no more than two customers to visit the business in a period of a week.

Mr. Lewis suggested that the Board impose the following conditions: That the structure remain residential in character; that the use variance be limited to the building in question so that an office-type structure is not constructed; that the use be limited to Use Unit 11 or more specifically, Interior Design Consultant and subject to no retail sales being permitted at the structure.

Protestants:

Mary Dale Caswell, 1432 East 35th Street, advised that 35th Street is very busy; and if approval of the request is granted traffic would only increase. The traffic congestion would create a hazard to the small children in the area. Ms. Caswell also advised that if the request is granted it would set a precedent for other businesses in the area. Additional parking will also be needed for the business because there are four employees associated with the business.

Margaret Ellison, 1441 East 35th Street, was concerned as the traffic would increase in this area and stated that the parking, as proposed, in the front of the house would not be adequate.

Case No. 12527 (continued)

Applicant's Rebuttal:

Mr. Lewis advised that the letter from Mr. Lee was sent to all property owners within 300' of the subject property. There are a total of four (4) employees who work in the office and some of the employees do not drive to the premises. Mr. Lee has arranged with Nelson Keifer, Stonehorse to park two employees' cars across the street in the Stonehorse parking lot if the need arises.

Comments and Questions:

Mr. Victor inquired if a sign would be used for the office and Mr. Lewis stated that if a sign is used it would be a small professional looking sign. Mr. Victor suggested that the approval run with the land and Mr. Lewis stated that he had no objection to that condition.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Smith, Victor, "aye"; Wait, "nay"; no "abstentions"; Purser, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in the Residential District) to allow office use in an RS-3 District; and a Variance (Section 1211.3 - Use Conditions) of the screening requirement from abutting R District, subject to the residential character of the house be retained, and that construction on this site be limited to the existing building, subject to the business being limited to Interior Design Consultant, no retail sales are permitted, subject to a document being filed with the County Clerk to run with the land restricting its use to the conditions stated above and that the sign be limited to one name plate, (25 sq. ft.) professional sign, on the following described property:

The East 50' of Lot 12, Block 2, Oliver's Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12528

Action Requested:

Variance - Section 208 - One Single-Family dwelling Per Lot of Record- Request to locate two dwelling units on one lot of record. The applicant wishes to convert garage to a garage apartment located at 1340 South Indianapolis Avenue.

Presentation:

Sharon Golden, 4710 West 89th Street, submitted a map showing the location of the two proposed dwelling units (Exhibit "P-1"); photographs of the existing garage structure (Exhibit "P-2") and two letters in support of the application (Exhibit "P-2"). Ms. Golden advised that she owns the subject property and lived there for 13 years, but her mother presently lives in the residence. Ms. Golden proposes to convert the garage into a garage apartment for her mother should Ms. Golden decide to move back to the subject property. The exterior appearance of the garage will not be altered, but remodeling of the interior will occur. The garage was gutted by fire in 1971 and has not been used as a garage since that time.

Ms. Golden advised the Board of twelve (12) multifamily dwellings within two blocks of the subject property and three (3) apartments that directly adjoin this property.

Protestants:

Mrs. B. Lee Pugh, 1344 South Indianapolis, submitted a protest petition signed by six (6) property owners in the area (Exhibit "P-4") and a protest letter written by Opal Reynolds, 1343 South Indianapolis (Exhibit "P-5"). Mrs. Pugh advised that she lives directly south of the subject property and is opposed to the request because of the closeness of the garage and the residence on the tract. If the two dwellings are permitted a fire hazard would be present as adequate space for emergency vehicles would not be provided.

Bonnel Miller, 3419 East 13th Street, advised that the subject garage is located directly on the fence line. Ms. Miller advised that many individuals park on Indianapolis as there are many businesses and churches located on Harvard Avenue. Ms. Miller advised that Ms. Golden's husband constructed an exercise facility within the garage and was not issued a building permit. The driveway is also very narrow and would create a safety hazard and fire hazard as emergency vehicles would not have adequate room to access the property.

Scott Gardner, 1327 South Indianapolis, advised that there is an apartment located next to the subject property which is an eyesore to the area. The ingress and egress to and from the property is by a single driveway which would create on-street parking. The parking problem in the area has already created a nuisance in the area and with added vehicles, the problem would only increase.

Eugene Colleoni, District #4 Chairman to the Greater Tulsa Council, advised that Section 208 of the Zoning Code forbids two dwelling units on a single lot of record in an RS-3 Zoned District. The proposed garage apartment is not in accordance with the District Plan; therefore, Mr. Colleoni requested that the application be denied. Adequate parking would not be provided as there is a single drive on the property and two parking spaces for the additional unit would be required.

Applicant's Rebuttal:

Mrs. Golden advised that the structure has existed on the property for many years as it presently appears. No alterations to the exterior of the structure will be present. There will be no more vehicles parked at the residence than there are presently.

Comments and Questions:

Mr. Jackere, Legal Counsel, advised that the applicant could provide sleeping rooms only in the garage structure. The Staff advised that the exercise room and bathroom previously added to the structure was constructed without obtaining a building permit. Many of the other garage apartments in the area were a nonconforming use, but the subject garage was converted from a garage into an apartment just recently.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to locate two dwelling units on one lot of record, on the following described property:

Lot 22, Block 11, Summit Heights Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow Use Units 11, 14, 15 and 23 in an RS-3 District; and a Variance - Section 610 - Principal Uses Permitted in the Office Districts - Request to allow Use Units 14, 15 and 23 in an OL District; and a Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request for a variance of the setback requirement from an abutting R District from 10' to 5'; and a Special Exception - Section 630 - Bulk and Area Requirements in the Office Districts - Request to allow a floor area ratio of .40; and a Variance - Section 710 - Principal Uses Permitted in the Office Districts - Request to allow Use Unit 23; and a Special Exception - Section 710 - Principal Uses Permitted in the Office Districts - Request to allow Use Unit 15; and a Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the setback requirement from an abutting R District from 10' to 5' located at 4200 South 33rd West Avenue.

Presentation:

Gerald Snow, 800 Lynn Lane, was present representing J and G Construction Company, and advised that he has a contract to purchase the subject property. Mr. Snow has visited with the neighbors and informed them of the proposed use of the property and they have no objection to the request. The neighbors were assured that there would be no pipe storage outdoors and no video games or a bar on the property. Mr. Snow felt that the proposed construction would be an asset to the area.

B. Kenneth Cox, Jr. 4100 Bank of Oklahoma Tower, represented Gerald Snow and submitted a site plan and elevation plan (Exhibit "Q-1") and an outline development plan (Exhibit "Q-2"). J and G Construction Company proposes to construct an office/wholesale warehouse which will consist of eight (8) spaces approximately 30' x 60' with one office located in the front of each designated space and storage space in the back. The office spaces will be leased individually in accordance with the approved use unit.

The zoning of the subject property is CS on the south 150', OL on the north 100', less the east 30' thereof and RS-3 on the 30' of the north portion. The east 30' of the subject property remains RS-3 due to an error in the legal description, although the intent of the applicant and Planning Commission was to rezone that whole portion OL.

The proposed project will contain a total of 14,400 sq. ft. of floor area, including 11,200 sq. ft. of warehouse storage area and 3,200 sq. ft. of office space. The project will consist primarily of masonry construction and will be approximately 15' in height. There will be 30 parking spaces provided for the project. Mr. Cox advised that the use of the subject property will be compatible with the surrounding area and requested approval of the request.

Protestants: None.

Interested Party:

A gentleman, who did not give his name, advised that Mr. Snow had visited with him concerning the proposal and, therefore, stated that

Case No. 12529 (continued)

he has no objection to the request if the project is constructed as shown on the drawings.

Comments:

The Staff advised that the Planning Commission approved the zoning on the subject property previously. It was suggested that Use Unit 19 be specifically prohibited in the development.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in the Residential Districts) to allow Use Unit 11, 14, 15 and 23 in an RS-3 District; and a Variance (Section 610 - Principal Uses Permitted in the Office Districts) to allow Use Units 14, 15 and 23, in an OL District; and a Variance (Section 630 - Bulk and Area Requirements in the Office Districts) of the setback requirements from an abutting R District from 10' to 5'; and a Special Exception (Section 630 - Bulk and Area Requirements in the Office Districts) to allow a floor area ratio of .40; and a Variance (Section 710 - Principal Uses Permitted in the Office Districts) to allow Use Unit 23; and a Special Exception (Section 710 - Principal Uses Permitted in the Office Districts) to allow Use Unit 15; and a Variance (Section 730 - Bulk and Area Requirements in the Commercial District) of the setback requirement from an abutting R District from 10' to 5', per plot plan and elevation plan submitted, to exclude Use Unit 19 on the subject property, and not permitting any outside storage, on the following described property:

All that part of the SW/4 of the NW/4 of the NW/4 of Section 27, Township 19 North, Range 12 East, of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows: Beginning at the southwest corner of the NW/4 of the NW/4 of the NW/4; thence due East a distance of 30' to the Point of Beginning; thence East a distance of 150'; thence South a distance of 251.7'; thence West a distance of 150'; thence North a distance of 251.7' to the Point of Beginning.

Case No. 12531

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a mobile home in an RS-3 District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to allow two dwellings on one lot of record located at 4740 South Santa Fe Avenue.

Presentation:

Michael Nance, 4740 South Santa Fe Avenue, was present and requested permission to place a mobile on the back portion of the subject property. The tract is approximately 166' x 230' and an existing house sits on the front 55' of the property. Mr. Nance proposes to remodel the existing house where he and his wife will reside and Mr. Nance's elderly parents will reside in the mobile home.

Case No. 12531 (continued)

Vicki Nance, 4740 South Santa Fe, advised that there are approximately 4 acres just south of the subject property which are vacant and requested that the application be granted.

Protestants: None.

Interested Party:

Charles Cline, 4739 South Santa Fe, advised that he lives directly across the street from the subject property and is in full support of the application.

Comments and Questions:

Chairman Smith inquired as to the sanitary sewer system on the property and Mr. Nance advised that there is a sanitary sewer system along the south border of the property line to which the house and mobile home will be connected.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow a mobile home in an RS-3 District; and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwellings on one lot of record, for one-year, removal bond required, subject to Tulsa City-County Health Department approval, on the following described property:

The South 166' of Lot 1, Block 2, Suburban Highlands Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12532

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to locate a car wash in a CS District located at the NE corner of 39th Street and Harvard Avenue.

Presentation:

Myron Goforth, 611 West 15th Street, Unit F-1, was present and submitted two (2) photographs of the subject property and two (2) photographs showing a similar construction as proposed (Exhibit "R-1"). Presently, on the northeast corner of 39th Street and Harvard Avenue is an abandoned filling station which was converted to an alternator shop. The applicant intends to install a five bay self-service car wash of brick construction on the subject property with the bays facing Harvard and an equipment room in the back corner of the lot. The subject lot is totally paved with the exception of 10' on the back side of the lot which the applicant intends to pave. The cars leaving the tract would exit on 39th Street. There is presently a 100' setback from Harvard and a 50' setback from the centerline of 39th Street. The car wash will be a 24-hour operation.

Protestants:

Elva Pratt, 3909 South Gary Place, submitted a letter of protest written by her husband, William Pratt, who was unable to attend the meeting (Exhibit "R-2") and a protest petition signed by approximately 24

Case No. 12532 (continued)

property owners in the subject area (Exhibit "R-3"). Mrs. Pratt expressed her extreme opposition to the application as the noise factor would be increased and traffic congestion would be very hazardous and annoying. Mrs. Pratt was also concerned that property values would decrease if the application is approved. Mrs. Pratt stated that she was opposed to businesses being located in this area and Chairman Smith advised that this area is zoned for businesses. Mrs. Pratt then advised that she would not be opposed to a business which creates no added noise, traffic congestion and annoyance to the area.

Comments and Questions:

The Staff advised their main concern would be that the car wash be limited in the hours of operation as it could create a disturbance to the neighborhood if it was operated 24 hours a day as proposed. Mr. Goforth advised that the car wash was designed to operate 24 hours a day, but exception could be made if necessary. Mr. Gardner asked if all the bays were to be self-service and the applicant answered in the affirmative. Mr. Goforth stated that the noise would not be a disturbance to the neighborhood because of trees and the air that would serve as a buffer to the noise.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to DENY a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to locate a car wash in a CS District, on the following described property:

Lot 9, Block 4, Eisenhower 3rd Addition in the City of Tulsa,
Tulsa County, Oklahoma.

Action Requested:

Variance - Section 1208.4 - Off-Street Parking and Loading Requirements- Request for a variance of the parking requirements; and a Variance Section 206 - Number of Dwelling Units on a Lot - Request for a variance of the number of units on one lot; and a Special Exception - Section 710- Principal Uses Permitted in the Commercial District - Request to permit apartments to be used as homes for the aged and request for cafeteria use for residents only; and a Variance - Section 740.1 - Special Exception Uses in Commercial Districts - Request for a variance of the height requirements. This property is located west of the SW corner of 71st Street and Mingo Road.

Presentation:

Frank Moskowitz, 3530 East 31st Street, advised that his client has a contract to sell the subject property to Overcast Goodman Enterprise of Fort Worth, Texas. Mr. Moskowitz submitted (2) photographs of a similar project (Exhibit "S-1"); three letters from immediate property owners who support the application (Exhibit "S-2"); a site plan and plot plan (Exhibit "S-3") and a brochure showing construction of a similar project (Exhibit "S-4").

Presently there are apartments being developed to the west and south of the subject property and a commercially zoned tract is located to the east. Located to the north of the subject property is a 40-acre vacant tract which is not zoned at present. Mr. Moskowitz's client intends to construct a three-story retirement home for the aged from 70 to 85 years of age. There will be a cafeteria inside the buildings to feed the tenants who cannot care for themselves and there will be kitchens in the apartments also. Most of the individuals residing in this project will not have their own cars, therefore, busses will be provided for the tenants for shopping and other purposes. Recreation will be provided for the residences within the facility.

Mr. Moskowitz advised the Board of the desperate need for more retirement homes in the City of Tulsa. Presently, the subject property is zoned commercial and the applicant desires to dezone the property to RM-2. The proposed development will contain 152 units which will be constructed of 80% masonry and 20% wood. The applicant has dedicated 60' to the City for the widening of 71st Street. There will be a 50' setback from the front and 90' to 95' setback from the east line of the property to the structure. A variance of the required number of parking spaces is also being requested as most of the tenants will not have their own automobile at this location.

Interested Party:

Carroll Letney, 3433 East 62nd Street, was present and advised that he owns the property to the east of the subject property. Mr. Letney advised that the proposed project will be an asset to the surrounding area. He also stated that Tulsa has a great need for more retirement homes.

Protestants:

James Unruh, Suite 525, 320 South Boston Building, attorney representing the Mayo interest, contended that the subject corner is basically undeveloped at this time. Mr. Unruh advised that there is no undue hardship prevalent which would be required in granting the variances. Mr. Gardner advised that the proposed buildings are 35' in height or less which does

Case No. 12542 (continued)

not require the variance, therefore, the variance concerning Section 740.1 is no longer needed. He also stated the variance concerning Section 206 - Number of dwelling units on a lot, is not needed because the property has to be platted. Only the Special Exception and Variance concerning the parking requirements is needed. The Staff also advised that there is more than sufficient area for adding the required parking on the property if needed in the future.

Mr. Unruh advised that if the variances are not needed he did not have a protest.

Discussion:

Discussion ensued concerning the parking requirement. Mr. Gardner advised that more than adequate parking could be provided, but it is not needed at this time. If additional parking room is needed the applicant should be required to pave the area needed. Mr. Moskowitz stated that he had no objection to paving additional parking if needed in the future.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to find that Variances (Section 206 - Number of Dwelling Units on a Lot) and (Section 740.1 - Special Exception Uses in Commercial Districts) do not apply; and to approve a Variance (Section 1208.4 - Off-Street Parking and Loading Requirements) of the parking requirements per Plot Plan on the basis that if the need arises, or should the use be changed to standard apartment dwellings, that additional parking spaces shall be required to meet the needs or meet the requirements of the Zoning Code if the use changes, and all that portion which may be needed for parking cannot be sold separately from this overall tract and cannot be used for any other purpose other than open space or for future parking if required; and to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District) to permit apartments to be used as homes for the aged and to permit a cafeteria for use of the residents only, per plot plan, on the following described property:

The W/2, NE/4, NE/4, NE/4, of Section 12, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 12379

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Request for a variance of the lot area from 13,500 sq. ft. to 9,300 sq. ft. and 8,359 sq. ft.; request for a variance of the land area from 16,000 sq. ft. to 11,625 sq. ft. and 14,005 sq. ft.; request for a variance of the lot width from 100' to 93'; request for a variance of the setback from Lewis Place and 40th Street from 35' to 25' and a request for a variance of the rear yard setback from 25' to 20' all in order to permit a lot split located at 3939 South Lewis Place.

Presentation:

The applicant, Franklyn Casey, was not present. Chairman Smith advised that a letter from Mr. Casey was submitted requesting that the case be continued for a 90-day period (Exhibit "T-1"). The applicant previously appealed the Board's determination to District Court and requested that this matter be continued until after the District Court's decision.

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 July 14, 1983 meeting.

There being no further business the meeting was adjourned at 5:12 p.m.

Date Approved

May 5, 1983

Chairman