

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 385  
Thursday, April 21, 1983, 1:00 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT

Chappelle  
Purser (in at 1:10 p.m.)  
Smith, Chairman  
Victor (in at 2:20 p.m.)  
Wait

STAFF PRESENT

Gardner  
Jones  
Martin

OTHERS PRESENT

Jackere, Legal Dept.  
Miller, Protective  
Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, April 19, 1983, at 10:39 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 1:03 p.m.

MINUTES:

There were no Minutes ready for approval.

WITHDRAWN CASES:

Case No. 12553

Mr. Jones advised that a letter was submitted by Mike Taylor requesting that the application be withdrawn (Exhibit "A-1").

Case No. 12546

A letter from Kenny Joe Smith, the applicant, was submitted requesting that this case be withdrawn (Exhibit "B-1").

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to withdraw Case Numbers 12553 and 12546 at the applicants' request.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12537

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the lot width from 75' to 32.45' and 37.55', and a variance of the side yard from 5' to 0', and a variance of the lot area from 9,000 sq. ft. to 3,700 sq. ft. to permit a lot split of an existing duplex located at 2420-2422 South 91st Place.

Presentation:

Rita Spreitzer, 3209 East 77th Place, was present and submitted a plat of survey (Exhibit "C-1").

Mr. Gardner advised that there is an existing duplex located on the subject property and the applicant proposes to lot split the property

Case No. 12537 (continued)

down the common party wall to enable selling the dwelling units to separate individuals. The lot split has been approved by the Planning Commission.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the lot width from 75' to 32.45' and 37.55' and a Variance of the side yard from 5' to 0' and a variance of the lot area from 9,000 sq. ft. to 3,700 sq. ft. to permit a lot split (L-15754) of an existing duplex, per plat of survey, on the following described property:

Lot 13, Block 1, Resub. of Lots 1-6, Block 4, Memorial Acres, Tulsa County, Oklahoma.

Case No. 12541

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the setback from the centerline of 129th East Avenue from 85' to 70.9' located at the SE corner of 34th Street and 129th East Avenue.

Presentation:

Jim Goodwin, Route 2, Box 72, Prague, Oklahoma, was present and submitted a plot plan (Exhibit "D-1"). There is a patio presently existing on the property which the applicant intends to enclose. The house is located approximately 79' from the centerline of 129th East Avenue and the patio is situated 4' further from 129th East Avenue than the house. The patio is located on the rear of the house and is approximately 14' x 33' in size.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the setback from the centerline of 129th East Avenue from 85' to 70.9', per plot plan, on the following described property:

Lot 16, Block 9, Briarglen Park Addition, Tulsa County, Oklahoma.

UNFINISHED BUSINESS:

Case No. 12511

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Request for a variance of the setback from 11th Street from 50' to 40' located at 5700 East 11th Street.

Presentation:

The Staff advised that the application was not properly advertised; therefore, the case should be continued to allow for proper advertising.

The applicant, Richard Craig, was not present.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue Case No. 12511 to the May 5, 1983 meeting.

Case No. 12491

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential District - Request for a variance of the lot width from 60' to 45.3', and a variance of the lot area from 6,9000 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 located at 5903-5905 South Quincy Place.

Presentation:

The applicant, Daniel Honeycutt, was not present.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12491 to the May 5, 1983 meeting.

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'. Request for a variance of the lot area from 6,900 sq. ft. to 4,750 sq. ft. and a variance of side yard requirements from 5' to 0' and a variance of the 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:

Windy Mortenson was present representing Richard Holmes, 1201 Fourth National Bank Building, and submitted a plat of survey (Exhibit "E-1").

Case No. 12428 (continued)

Ms. Mortenson advised that the stem walls are in place at present.

Protestants: None.

Staff Comments:

The applicant was previously before the Board and received approval of the setback variances and is now awaiting lot split approval. Splitting the duplexes cannot take place until the duplexes are physically under construction.

The lot split application has not yet come before the Planning Commission. The Staff suggested that the Board approve the lot split, subject to approval of the Planning Commission based on the survey showing the stem walls in place and subject to the slab being poured.

Chairman Smith advised that there are many duplexes in the immediate area.

Board Action:

On MOTION of PURSER and SECOND by Chappelle, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) 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. and a variance of the side yard requirements from 5' to 0' and a variance of the setback from 55th Place and Quincy Avenue from 50' to 35' and 45' to allow for lot split of duplexes, subject to the Planning Commission approval and completing the pouring of the slab, on the following described property:

Lot 7, Block 6, J. E. Nichols Addition, 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:

The Staff advised that the application was continued at the previous meeting to allow the applicant time to contact the Staff and readvertise the request because a use variance was also needed. The applicant failed to apply for the variance in a timely fashion; therefore the application should be continued because it is not properly before the Board.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue Case No. 12524 to the May 5, 1983 meeting.

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:

The applicant, James McHenry, was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12513 to the May 5, 1983 meeting.

Case No. 12525

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. and a request for a variance of the land area from 16,000 sq. ft. to 11,625 sq. ft. and 14,005 sq. ft. and a request for a variance of the lot width from 100' to 93' and a variance of the setback from Lewis Place and 40th Street from 35' to 25' and 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:

Mike Taylor, 5359 South Sheridan Road, representing Sisemore-Sack-Sisemore and Associates, Incorporated, advised that he sent a letter to the Staff requesting that the case be continued to the next meeting to allow the Planning Commission to act on the case. Previously, there was a delay by the Technical Advisory Committee who has since heard the case. The matter will be heard next Wednesday by the Planning Commission. Mr. Taylor also stated that legal counsel for the client has been retained and would therefore request a continuance.

Ricky Jones advised that the application was before the Board on April 7, 1983, at which time there were several protestants present and the applicant submitted a letter requesting a continuance of the case. The Board is faced with the decision of hearing the application contingent upon the Planning Commission's action or to continue the application.

Protestants:

There was several protestants present, but were not opposed to granting a continuance.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue Case No. 12525 to the May 5, 1983 meeting.

## NEW APPLICATIONS:

Case No. 12533

### Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request to permit a home occupation, (office for tree trimming service) in an RS-3 District located at 3303 East 22nd St.

### Presentation:

Joe Little, 3419 East 38th Street, was present and advised that he plans to locate his tree trimming business at the subject location in one year. Mr. Little presently owns the subject property and is using the residence for rental purposes at present, but will reside at the subject property at the end of one-year and operate the home occupation at the subject site. Two pick up trucks and a two-ton truck are used in the business. There are no employees or customers who come to the residence. The business consists of answering the phone and parking the three vehicles on-site.

### Comments:

Mr. Jackere, Legal Counsel, suggested that the application is premature as the applicant does not reside at the subject location and does not intend to operate the business for one-year. He suggested that Mr. Little return to the Board in a year. Mr. Gardner suggested that the Board advise the applicant of their feelings and reaction to the proposal.

The Board inquired as to the necessity for the three trucks and Mr. Little stated that one truck is his personal vehicle and he uses the other two trucks in his business. Mr. Jackere advised that the Board has permitted one business vehicle in conjunction with a home occupation, but contended that two or three trucks would be in violation of the home occupation standards. The Board decided to consider the protestants' comments.

### Protestants:

Robert Mitten, 2125 South Jamestown, submitted a protest petition signed by 79 property owners in the immediate area (Exhibit "F-1") and seven (7) letters in protest to the application (Exhibit "F-2"). The surrounding property owners, whom Mr. Mitten represented, oppose the proposal as it will decrease property values and would not be in keeping with the residential character of the neighborhood. The protestants were opposed to allowing an office use in a single-family area. The three trucks in the business would create a hazard to the small children in the area and would create an increase in traffic.

### Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to DENY a Special Exception (Section 430 - Accessory Uses in Residential Districts) to permit a home occupation (office for tree trimming service) in an RS-3 District, on the following described property:

Lot 10, Block 3, Jefferson Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12534

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Request for a variance of the rear yard setback from 20' to 15' located at 14212 East 37th Place.

Presentation:

Mike Milligan, 6421 South 110th East Avenue, submitted a plot plan (Exhibit "G-1"). Mr. Milligan advised that the west side of the lot does not have adequate footage to maintain a 20' setback for a back yard and requested the variance be granted.

Protestants: None.

Comments and Questions:

Mr. Chappelle asked if the building in question presently exists and Mr. Milligan answered no. Chairman Smith inquired if Mr. Milligan had visited with his neighbors and advised them of his proposal and the applicant stated that he had not talked with them, but has heard no protests. Chairman Smith stated that the applicant's hardship is due to the shape of the lot.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in the Residential District) of the rear yard setback from 20' to 15', per plot plan submitted, on the following described property:

Lot 14, Block 4, Summerfield South Addition, Tulsa County, Okla.

Case No. 12535

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 District - request to allow a mobile home in an RS-3 District located at 825 North 91st East Avenue.

Presentation:

Anna Spears, 825 North 91st East Avenue, was present and requested permission to locate a mobile home on the subject lot and submitted four (4) photographs of the mobile home (Exhibit "H-1"). The trailer will be located on the same lot as Mrs. Spears' residence. The applicant requested that the mobile home be permitted for security reasons and would be used for rental purposes. The mobile home would back up to a mobile home park.

Protestants: None.

Interested Party:

Donald Kamler, 1628 South Cincinnati Avenue, advised that he owns the property located at 805 North 91st East Avenue and spoke in support of the application.

Case No. 12535 (continued)

Comments and Questions:

Chairman Smith asked if the mobile home would be served by the sanitary sewer system or by a septic tank and Mrs. Spears advised that the mobile home would be connected to the sanitary sewer. The applicant was advised that approval could be granted for a one-year period, but additional time could be requested at the end of the one-year limit.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-1-0 (Chappelle, Smith, Wait, "aye"; Purser, "nay"; no "abstentions"; Victor, "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 in an RS-3 District, for one year, removal bond required, on the following described property:

Lot 3, Block 1, Moses Addition, Tulsa County, Oklahoma.

Case No. 12536

Action Requested:

Section 1650 - Appeals from the Building Inspector - Request that the Board determine a Variance - Section 1420 - Nonconforming Use of Buildings or Buildings and Land in Combination - to permit an addition to a nonconforming building; and a Variance - Section 410 - Principal Uses Permitted in Residential Districts - to permit the manufacture of rubber stamps in an RS-3 District; and a Special Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirements - to modify or remove the screening requirements and/or to modify the screening where an alternative screening will provide visual separation of uses; and a Variance - Section 250.1 (d) - Screening Wall or Fence for a variance of the time requirement that the screening be erected prior to occupancy of the building located at 2637 East Marshall Avenue.

Presentation:

Casper Jones, 1302 South Fulton Avenue, represented Southern Rubber Stamp Company; Mike Forehand, the present owner and Marvin Summey, the previous owner of the property. Mr. Jones submitted a photograph of the subject property (Exhibit "I-1") and an exhibit including the history of the subject property, the issuance of a building permit and a plat of survey (Exhibit "I-2").

Mr. Jones reviewed the history of the property with the Board and requested that the Board make a determination that the tract and the present building is a legal nonconforming industrial use. The subject addition was annexed to the City of Tulsa in 1920, at which time the City did not have a Zoning Code. Under the City's first Zoning Code the property was zoned U-4, Industrial District, which permitted residential, commercial and industrial uses. In 1948 a building permit was issued to the previous owner, Marvin Summey, for the building presently located at 2637 East Marshall Avenue. In 1957 the City rezoned the property from U-4, Industrial to U-1C, Restricted Residential and in 1970 it was zoned to RS-3, Restricted Residential.

The applicant plans to construct a 25' addition to the front of the existing structure which will be used as an office for manufacturing

Case No. 12536 (continued)

of rubber stamps. The applicant has leased space in the present building for office use since 1961 and purchased the property in January 1983. The applicant also requests permission to modify the screening requirement to erect a chain link fence rather than a 6' solid fence for security purposes and requests a variance of time from 6 months to a year in which to erect the fence.

Protestants:

Earl Neely, 2703 East Marshall Street, advised that he owns the property to the east of the office and is in protest to the application because there will not be adequate space provided for parking on the subject lot. Traffic in the area will increase and create a safety hazard to the children in the area.

Interested Party:

Mike Forehand, 2525 North Norwood Place, the owner of the property addressed the question of parking provided on the property. The existing driveway will be paved which will provide a two car parking space area. Mr. Forehand advised that there would be adequate space provided for parking for the customers.

A letter was submitted from Mozelle S. Cox, 2721 East Marshall, who has no objection to the proposal (Exhibit "I-3").

Discussion:

Discussion ensued concerning the variances as requested. Mr. Jackere, Legal Counsel, contended that the Variance (Section 410) to permit the manufacture of rubber stamps in an RS-3 District is not needed if the Board finds that the building is a nonconforming use. It was suggested that the Board deny that variance or withdraw that portion of the request and Mr. Casper Jones requested that it be withdrawn. Mr. Gardner stated that the Special Exception request would not be applicable, but the Board should place a time limit on the variance of the screening wall or fence.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve the appeal (Section 1650 - Appeals from the Building Inspector) and find that the property is a legal nonconforming use and to approve a Variance (Section 1420 - Nonconforming Use of Buildings or Buildings and Land in Combination) to permit an addition to the nonconforming building.

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 250.1 (d) Screening Wall or Fence) of the time requirement to allow the applicant a period of nine (9) months in which to erect the screening fence, on the following described property:

Lot 27, Block 1, Sequoyah Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12538

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the setback requirements from 100' to 61' from the centerline of Elwood Avenue on existing building and new building located at 4300 South Elwood Avenue.

Presentation:

Morris Dundee, 4611 South Elwood Avenue, submitted a plot plan (Exhibit "J-1") and requested that the application be approved based on the setback of the existing building.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) of the setback requirements from 100' to 61' from the centerline of Elwood Avenue on an existing building and a new building, per plot plan, on the following described property:

Beginning 152' South and 50' East of the NW corner of Lot 3; thence East to the Arkansas River, Southerly 507' West to 50' East of the West lot line of Lot 3; North to the point of beginning in Section 25, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 12539

Action Requested:

Variance - Section 240.2 - Permitted Yard Obstructions - Request for a variance of the maximum of 750 sq. ft. for a detached accessory building 975 sq. ft. located at 2417 East Marshall Avenue.

Presentation:

Jean Stevens, 2417 East Marshall Avenue, was present and submitted a plot plan (Exhibit "K-1"). The applicant proposes to construct a 16' x 20' accessory building on the subject property to be used for storage purposes. The proposed structure will be located directly behind the existing garage.

Protestants: None.

Board Comments and Questions:

Chairman Smith asked if the accessory building would be used for commercial purposes and Ms. Stevens answered no and assured the Board that the building would only be used for storage of her personal possessions.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 240.2 - Permitted Yard Obstructions) of the maximum of 750 sq. ft. for a detached accessory building 975 sq. ft., per plot plan, and subject to the building not being used for commercial purposes, on the following described property:

Case No. 12539 (continued)

Lot 22, Block 2, Sequoyah Place Resub. of Cherokee Acres,  
City of Tulsa, Tulsa County, Oklahoma.

Case No. 12540

Action Requested:

Variance - Section 206 - One Single-Family Dwelling Per Lot of Record-  
Request to allow two dwellings on one lot of record and a Variance -  
Section 430 - Bulk and Area Requirements in Residential Districts -  
of the bulk and area requirements to permit a garage apartment located  
at 2207 East 18th Street.

Presentation:

Waldo Jones, attorney representing Bern Gentry, P. O. Box 52528, submitted twelve (12) photographs of the subject property and other properties in the area (Exhibit "L-1"); the closing statement when Mr. Gentry purchased the house on the subject property (Exhibit "L-2"); a listing agreement made by Mr. Gentry with Century 21 to sell the residence at that location (Exhibit "L-3") and a Lien Statement filed with the County Clerk's Office (Exhibit "L-4").

Mr. Jones advised that Mr. Gentry was recently before the Board seeking permission to operate a home occupation at 2207 East 18th Street, but the application was denied. Mr. Gentry has since begun the process of selling that house. There is a garage apartment located on the subject tract which was constructed by a contractor, who did not obtain a Building Permit. The garage was existing on the property when Mr. Gentry purchased the subject property. Mr. Gentry proposes to maintain ownership of the garage apartment and plans to lease it. Mr. Jones advised that there is a duplex located next door to the subject property which has been leased and both sides are being occupied.

Protestants:

Gerald Lee, 2727 East 21st Street, Suite 305, attorney representing the protestants in the immediate area submitted the advertisement listing the subject garage apartment with Century 21 (Exhibit "L-5"). The subject area is primarily used as single-family residential. The property in question contains one single car driveway which would not provide adequate parking room for 2 dwelling units. If the garage apartment is permitted, it would tend to overcrowd the tract and would be detrimental to the property values. Mr. Lee advised that the Oklahoma Supreme Court recently addressed the question of hardships and it was decided that simply because an individual attempts to improve his property or has a nonconforming use, it cannot be considered a hardship at a later date and would not be grounds for granting a variance.

Kathy Braswell, 2130 East 17th Place, advised that she owns a garage apartment which is nonconforming and felt that the apartment in question should not be granted because it was just recently constructed and was done so without a Building Permit.

Interested Parties:

Two (2) letters from surrounding homeowners who had no protest to the application were submitted (Exhibit "L-6").

Case No. 12540 (continued)

Comments and Questions:

The Board inquired as to the amount of parking space provided for the house and the garage apartment and Mr. Bern Gentry advised he has a single car driveway which would provide space for three or more cars. Mr. Jones advised that there is off-street parking for two cars in front of the house. The Staff suggested if the application is approved to limit rental of the apartment to one individual which would involve only one vehicle to be parked in the street because of the single car driveway. Mr. Gentry stated that he would not be opposed to that condition.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 206 - One Single-Family Dwelling Per Lot of Record) to allow two dwellings on one lot of record; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the bulk and area requirements to permit a garage apartment with the provision that a record of motion be filed of covenant with the County Clerk's Office stating that the garage apartment be rented to one individual at a time and permitting only one car, and that all parking to be off-street, on the following described property:

Lot 12, Block 1, Woodward Park Addition to the City of Tulsa,  
Tulsa County, Oklahoma.

Case No. 12543

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the building setback from 100' to 75' located at the SE corner of SW Boulevard and 33rd West Avenue.

Presentation:

Mike Gann, 6709 North Classen Boulevard, Oklahoma City, Oklahoma 73116, was present representing Sooner Federal Savings and Loan and submitted a plot plan (Exhibit "M-1") and a plat of survey (Exhibit "M-2"). The applicant is requesting a variance of the building setback from 100' to 75' to allow the proposed building to encroach upon the existing setback a minimal number of feet because of the constraints of the site. On the interior of the site there is a utility easement which requires that the building be located between the interior easement and the building setback.

The proposed building is a 2,000 square-foot single-story banking facility for Sooner Federal Savings and Loan with a drive-in head-on facility.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) of the building setback from 100' to 75', per plot plan submitted, on the following described property:

Case No. 12543 (continued)

The W/2 of Lot 7, All of lots 8, 9, 10, 11, 14, 15, 16, 17 and 18, Block 8, Park Addition to Red Fork, Tulsa County, State of Oklahoma.

Case No. 12544

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the lot width from 60' to 52.8', 47.2' and 51.3' in order to permit a lot split located East of the NE corner of 90th Street and Sheridan Road.

Presentation:

Roy Hinkle, Suite 100, 7030 South Yale Avenue, attorney representing the owner of the subject property submitted a plat of survey (Exhibit "N-1"). The owner plans to split the existing duplexes to allow separate individuals to purchase the two units for single-family residential and financial purposes. Mr. Hinkle advised that the Planning Commission previously approved the lot split.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the lot width from 60' to 52.8', 47.2' and 51.3' in order to permit a lot split (L-15766), per plat of survey, on the following described property:

Lots 2 and 4, Block 1, Resubdivision of Lot 14, Block 2, Chimney Hills South Extended Addition in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12545

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request for church use and off-street parking; and a Variance - Section 440.7- Special Exception Uses in Residential Districts, Requirements - for a variance of the 25' setback from abutting R Districts and a variance to permit a floor area ratio greater than 50%; and a Variance - Section 1205.3 - Use Conditions - of the one-acre minimum; and a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - of the setback from Quaker Avenue from 50' to 32' to line up with existing church building located at 705 North Quaker Avenue.

Presentation:

Bill Wilkins, 7955 South 69th East Avenue, represented Anchor of Hope Church and requested Church use and parking use on Lots 11 through 18, Block 11 and Lots 3 and 4 of Block 3, Capital Hill Addition. Mr. Wilkins advised that Lots 11 through 14 of Block 11 was previously before the Board for waiver of the building setback and modification of the rear yard.

Case No. 12545 (continued)

Protestants: None.

Discussion:

Discussion ensued whether the application was properly advertised and the Staff advised that the application was amended after it was filed, but was properly advertised.

Dorotha Miller, Protective Inspections, advised if the Board grants the exception of the Zoning Code in a residential area the applicant must meet the conditions of being 25' from any residence, with a maximum floor area of .5, a minimum frontage of 100' with a lot size of 10,000 square feet. Section 1205 of the Zoning Code states that the area must also be a minimum of one-acre, which was advertised.

The Board was unsure of the applicant's request as presented and suggested that the application be continued to allow the applicant to return to the Board with a plot plan and specific information concerning the proposed use.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12545 to the May 5, 1983 meeting.

Case No. 12547

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to permit a mobile home in an RS-3 District located at the NW corner of 31st Place North and Xanthus Ave.

Presentation:

The applicant, Robert Knight, was not present.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12547 to the May 19, 1983 meeting.

Case No. 12548

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request to allow a home occupation (Radix Teacher Therapist) located at the NW corner of 17th Street and Lewis Avenue.

Presentation:

Joan Crager, 1224½ South Peoria Avenue, requested that the Board approve the request to operate a home occupation at the subject location. Ms. Crager, a Radix Teacher Therapist, is a counselor who helps individuals better deal with their emotions. The applicant will schedule a maximum of 4 one and one-half hour sessions

in one day. The work which Ms. Crager provides is primarily conducted on a one-to-one basis. Twice a month from 7:00 p.m. to 9:30 p.m. there will be group sessions which consist of from 4 to 6 individuals to come to the residence.

Steve King spoke on behalf of Ms. Crager and advised that he had visited with the Staff concerning the request, and it was determined the use was a home occupation. There will be no signs, no other employees other than Ms. Crager and no changes to the exterior of the structure. The service provided will not create a parking problem for the neighborhood.

Protestants and Interested Parties:

Gary Watts, 1564 South Gillette Avenue, stated that he was merely an interested party and inquired if the approval would run with the property or with the applicant. Mr. Jackere, Legal Counselor, advised that approval could be granted specifically for this use and if the particular use was changed, approval from this Board would be necessary. Mr. Watts wondered what recourse the neighborhood has if the applicant does not comply with the conditions imposed and Chairman Smith advised that the neighborhood is responsible for helping to enforce the standards imposed by the Board by advising the Building Inspector of any violations.

Sherry White, 1518 South Gillette, spoke on behalf of Dianna Bailey, president of Barnard Elementary School PTA, who is concerned with the parking proposed for the business. Ms. Bailey was also concerned that the use would create a safety hazard to the school children in the area and the traffic congestion. If the approval is granted it was requested that the group meetings only be permitted in the evenings as stated by the applicant.

Comments and Questions:

Mr. Jackere, Legal Counselor, inquired as to the parking which would be provided and Ms. Crager advised that the driveway is a double-wide drive and the residence is located on the corner.

Mr. Victor asked how the applicant acquires her clients and Ms. Crager advised that she receives referrals from ministers, chiropractors, psychologists and other counselors.

Mr. King advised that the group sessions would always be held at night. He also advised the Board the applicant would be willing to schedule no appointments from 3:00 to 4:00 p.m. to protect the school children as they are dismissed from school.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 420 - Accessory Uses in Residential Districts) to allow a home occupation (Radix Teacher Therapist), that the use be limited to this specific occupation only, subject to the day sessions being conducted one at a time only, and to allow any group conferences to be conducted in the evenings no more than once a week and limiting the number to 6 individuals, subject to all other home occupation regulations, on the following described property:

Lot 17, Block 1, Hopping Addition to the City of Tulsa, Tulsa  
County, Oklahoma.

Case No. 12549

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to locate a mobile home in an RS-3 District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request to locate two dwellings on one lot of record located at 2104 East Ute Street.

Presentation:

Emma McCoy, 2104 East Ute Street, was present and requested permission to locate a mobile home on the subject property. The mobile home will be occupied by Mrs. McCoy's daughter because of financial reasons. There will be two dwellings on one lot with the proposed mobile home on the back and Mrs. McCoy's existing house located at the front of the property.

Protestants:

Joe Tarwater, 2136 East Ute Street, and his mother, Juanita Taylor, 2128 East Ute Street, was present in protest to the application as it would decrease property values in the area.

Board Questions:

Mr. Chappelle inquired if there are other mobile homes in the area and Ms. McCoy advised that there is one mobile home approximately 4 blocks from the subject property on Lewis Avenue.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-2-0 (Chappelle, Purser, Victor, "aye"; Smith, Wait, "nay"; no "abstentions"; none, "absent") to DENY a Special Exception (Section 410 - Principal Uses in Residential Districts) to locate a mobile home in an RS-3 District; and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to locate two dwellings on one lot of record, on the following described property:

The East 58.41' of the West 116.82' of Lot 7, Block 4, Conservation Acres in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12550

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow a mobile home (double-wide) in an RS-3 District; and a Variance - Section 440.6 (a) (d) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the one-year time limit and a variance of removal bond located at 2916 East 34th Street North.

Presentation:

Larry Fultz, 901 South Red Bud, Broken Arrow, Oklahoma, attorney representing Mr. and Mrs. Kenny Jackson, submitted two (2) photographs of the subject mobile home (Exhibit "0-1"). The Jackson's propose to place the double-wide mobile home on the 2-1/2 acre tract on a permanent basis. The mobile home will be placed on a permanent foundation with a rock border as shown in the photograph.

Protestants: None.

Case No. 12550 (continued)

Interested Party:

Hila Church, 5149 East 31st Street, stated that she is not in protest to the application, but inquired if the use would be permanent.

Comments and Questions:

Mr. Victor inquired as to the sewer or septic tank which would be connected to the mobile home and Mr. Fultz advised that the mobile home would be connected to the septic tank. The necessary percolation tests of the Health Department have been completed and were approved. Mr. Victor advised that the mobile home must meet the RS-3 zoning requirements, including the setback and provide paved parking spaces.

Discussion ensued as to the access into the subject property and Mr. Fultz advised that access would be provided from Harvard to 34th and due west straight into the property. Mrs. Jackson advised that her husband dedicated some of the land to the City. The street which leads to the subject property is a dedicated street, but the Jackson's maintain it.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow a mobile home (double-wide) in an RS-3 District; and a Variance (Section 440.6 (a) (d) - Special Exception Uses in Residential Districts, Requirements) of the one-year time limit and a variance of the removal bond, with the condition that the mobile home become permanent in appearance with a rock border as shown in the photograph, and to remove the running gear, on the following described property:

The W/2 of the E/2 of the SE/4 of the NW/4 of the NE/4 Section 20, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 12551

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request to allow off-street parking in an RM-2 District located at 11th Street to 12th Street and Trenton to St. Lewis Avenues.

Presentation:

David Page, attorney representing Hillcrest Medical Center, 1145 South Utica Avenue, Suite 402, submitted a drawing showing the Hillcrest facilities (Exhibit "P-1"). The applicant requested the special exception to permit off-street parking for the employees of the medical center and patients of the rehabilitation cancer clinic. There are no single-family residences on either side of the property. The only single-family residence in the immediate area is the house located across the street. There are single-family residences in the area owned by Hillcrest which are used for interns while completing their internship at the hospital.

The reason for the request is to alleviate the parking problem created by the cancer clinic which is being expanded. The proposed off-street parking area will be asphalted, landscaped and will have directional downward lighting.

Case No. 12551 (continued)

Protestants: None.

Interested Party:

Eugene Colleoni, District #4 Chairman of the Greater Tulsa Council, urged that the Board approve the application as it would be beneficial to the community.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow off-street parking in an RM-2 District, subject to the applicant returning to the Board with a layout plan of the parking, landscaping and proposed lighting on the following described property:

Lots 5, 6, 10, 11, 12, 27, 28, 29, 30, 31, 32, 16, 17, 33, 34, 18, 35, 36, 37, 38, 39, 40 and 23, All in Block 3, Forest Park Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded re-amended plat thereof.

Case No. 12552

Action Requested:

Variance - Section 610 - Principal Uses Permitted in the Office Districts- Request to allow automobile and allied activities (Use Unit 17) in an OMH District located at the NW corner of 51st Street and Yale Avenue.

Presentation:

Thomas Kivell, attorney representing Doug Bailey, the owner and operator of Trans Auto, Inc., located at 5028 South Yale Avenue, submitted a copy of the plot plan (Exhibit "Q-1") and an exhibit including letters from various individuals in support of the application and photographs of the subject property (Exhibit "Q-2").

Prior to October 1982, the subject property was zoned CS and later converted to OMH zoning. The property was previously operated as a used motor vehicle business licensed by the State of Oklahoma and the client succeeded in ownership and signed a sublease agreement with Charles Moore, the lessor of the property with the consent of Gordon McCune, the owner. The applicant was totally unaware the operation of the business was in violation of the change in zoning in October 1982.

The applicant began constructing a 10' x 20' structure to be used as an office when the Building Inspector issued an order to cease and desist construction because the building was in violation of the setback requirement. The photographs submitted show that all of the vehicles at the subject location are on an asphalt pavement. The request, if approved, would be granted until such time that Mr. McCune, the owner of the property, terminates the lease.

Protestants:

Vic Noe represented Dean Bailey Oldsmobile, 4747 South Yale Avenue, James Dunn, who owns adjoining property to the proposed used car facility and John Whitiker of Hudson Oil Corporation, 4757 South Yale Avenue. Mr. Noe advised that the protestants are opposed to the

application because of the inadequate facilities, as there is no sewer facility and inadequate parking. It was advised that if the Board approves the application with no toilet facilities contained in the structure the Oklahoma Motor Vehicle Commission would not issue a license to the applicant. If the proposed structure is approved it would decrease surrounding property values.

George Suppes, 8-E Dawes, attorney representing the owner of the subject property in a trust called Frank Godder Trust Fund, advised that there is some question as to who owns the subject tract. He felt that the true ownership had not been stated.

Applicant's Rebuttal:

Mr. Kivell advised that if the Board requested, the applicant would be willing to move into one of the concrete block buildings which does house toilet facilities. The restrooms which will be used at this business are located in the DX car wash facility. Mr. Kivell stated that the applicant would be willing to relocate in the car wash structure.

Comments and Questions:

Mr. Victor inquired as to the number of automobiles that could be placed on the tract in question and Mr. Kivell stated from 15 to 20 and approximately 10 to 15 spaces for customers to the south of the building along a concrete wall. Mr. Kivell advised that there is more than adequate space for off-street parking.

The Staff advised that the car wash was approved by this Board and the service station was permitted under the former CS zoning. Any expansion or new use of the property does require the variance as advertised.

Dorotha Miller, Protective Inspections, stated that Ken Savage of the Oklahoma Motor Vehicle Commission is now working closely with the Building Inspection Department as relates to proper zoning before a permit is issued to sell automobiles. She also advised that she never issued a building permit for the proposed 10' x 20' building.

Mrs. Purser suggested that if the applicant went through the zoning process the property could be rezoned to commercial. Chairman Smith was concerned with the amount of open space and felt that the lot would be overcrowded. Mr. Jackere, Legal Department, suggested that the legal description as submitted was incorrect and requested that the applicant submit an amended legal description.

Mr. Gardner advised that the property is subject to a replat or waiver of plat.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 610 - Principal Uses Permitted in the Office Districts) to allow automobile sales (Use Unit 17) in an OMH District, that the applicant move into the permanent building as stated by the applicant and to remove the

Case No. 12552 (continued)

temporary 10' x 20' building within 30 days, subject to the applicant submitting an amended legal description and plot plan and returning to the Board on May 19th with the above requested information, on the following described property:

Lots 9 and 10 Interstate Central Extended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12554

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the frontage, area livability space, side yard, front yard setback, parking and lot coverage to allow flexibility within the lots located at the SW corner of 66th Place and South Peoria Avenue.

Presentation:

Mike Taylor, 5259 South Sheridan Road, represented Sisemore-Sack-Sisemore & Associates and submitted a plat of survey (Exhibit "R-1") and a plot plan (Exhibit "R-2"). Mr. Taylor advised that the Planning Commission approved the lot split April 20, 1983, subject to this Board's approval. The original property when platted was subject to TMAPC platting requirements, and the Building Inspector's Office has previously approved the plot plan. Before transfer of title, the State Statutes require approval of the lot split by the Planning Commission. The plot plan consists of four separate apartment complexes owned by four separate owners which will be constructed in phases.

Protestants: None.

Comments and Questions:

The Staff advised that the request as presented is vague and the applicant needs to provide specific information concerning the number of apartment units, the number of parking spaces provided, livability space, side yard and front yard setbacks and lot coverage for the Board to consider the application. The Staff pointed out as a comparison that the Board routinely approves lot splits for duplexes after construction is completed or underway, but never before the total construction is assured. Chairman Smith suggested that the applicant request approval for one phase at a time rather than the entire property at once.

Dorothea Miller, Protective Inspections, advised that the same plot plan was approved for a Building Permit for one lot one block for the entire tract. The entire plans were approved without the lines included, but the applicant will need a variance to allow the spreading of parking spaces and livability spaces for four lots. Mr. Jackere, Legal Counselor, advised that the Board needs a reciprocal parking agreement by the respective owners of the lots. It was suggested that the case be continued to allow the applicant time to provide the Board with the specific information as requested by the Board.

Board Action:

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

Case No. 12554 (continued)

stentions"; none, "absent") to continue Case No. 12554 to the May 19, 1983 meeting.

Case No. 12555

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Request to allow mobile homes in an AG District; and a Variance - Section 1209.3 - Use Conditions - to construct a screening fence between the abutting RS-3 District and the AG District located north of Robin Dell Addition.

Presentation:

Bill Wilkins, 7955 South 59th East Avenue, was present to address the Board and submitted a plat of survey (Exhibit "S-1"). Mr. Wilkins advised that the subject property is zoned AG and RMH and the mobile homes will be located in the RMH portion north of the AG zoned portion.

Ricky Jones advised that the subject property was recently rezoned to RMH and one of the conditions of the rezoning was to leave a 50' buffer of AG strip on the south side of the property. The applicant proposes to place a screening fence between the AG and RS-3 zoned properties. There is a large creek and numerous trees at this location; therefore the applicant proposes to place the screening fence on the AG portion and not on the RMH portion. It was a condition of the Planning Commission that the applicant leave the 10-foot strip of AG during the rezoning to prevent access. This would allow the applicant to add 10 more feet onto the rear yard of the mobile home park which he can utilize.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts) to allow mobile homes in an AG District (10' strip); and a Variance (Section 1209.3 - Use Conditions) to construct a screening fence between the abutting RS-3 District and the AG District, subject to no access to Maplewood Avenue on the following described property:

That part of the SE/4 of Section 22, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma being more particularly described as follows, to wit:

Commencing at the Northeast Corner of the SE/4 of said Section 22,; thence South  $01^{\circ}-17'-47''$  East along the East line of said Section a distance of 380.2'; thence South  $88^{\circ}-51'-37''$  West a distance of 1,322.38' to the POINT OF BEGINNING; thence South  $01^{\circ}-21'-10''$  East along the West line of 10' sanitary sewer easement a distance of 940.24'; thence North  $88^{\circ}-47'-20''$  East a distance of 661.15'; thence North  $01^{\circ}-16'-35''$  West a distance of 359.99'; thence South  $88^{\circ}-47'-20''$  West a distance of 656.63'; thence North  $01^{\circ}-21'-41''$  West along the center of 10' sanitary

Case No. 12555 (continued)

sewer easement a distance of 580.24'; thence South 88°-51'-37" West a distance of 5.00' to the Point of beginning, containing 5.53 acres, more or less.

Case No. 12556

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request for duplex use in an RS-3 District; and a Variance - Section 440.3 - Special Exception Uses in Residential Districts, Requirements - of the bulk and area requirements to permit a duplex in an RS-3 District located at 1421 East 56th Street South.

Presentation:

Nan Brainerd, 2402 South 108th East Avenue, submitted a plat of survey (Exhibit "T-1"); a plot plan (Exhibit "T-2") and an elevation plan (Exhibit "T-3"). The applicant purchased the subject property in October 1982, at which time she was assured that the subject property was zoned for duplex use. However, during the lot split some of the applicant's property was taken to cover the relocation of the sewer line of the existing house. The previous owner intended to continue to connect the sewer line onto 56th Street rather than 55th Place and in so doing, the City required a 5' strip of land to be added to the applicant's land and because of this, my lot has less than 9,000 square feet and does not comply with the terms of the Zoning Code. The applicant, therefore, requested that the special exception and variance be granted.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-1-0 (Chappelle, Purser, Smith, Victor, "aye"; Wait, "nay"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) for duplex use in an RS-3 District; and a Variance (Section 440.3 - Special Exception Uses in Residential Districts, Requirements) of the bulk and area requirements (8,683 sq. ft.) to permit a duplex in an RS-3 District, per plot plan, on the following described property:

The S/2 of Lot 3, Block 4, J. E. Nichols Addition in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12566

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to build a car wash in a CS District located south of West 27th Street North and Boston Place.

Presentation:

Audric Smith, 988 East 61st Street, was present representing the applicant, Marian Cornwell, and requested permission to construct a car wash at the corner of 27th Place North and Boston Place. The subject property is bounded by a restaurant on the east and south and is located across the street from a church building. It

Case No. 12566 (continued)

will be a five (5) bay self-service car wash and will be a 24-hour a day operation.

Protestants:

The Board advised that a protest letter from Millie Love, 122 East 27th Street North and W. R. Sharp, 112 East 27th Street North, was submitted (Exhibit "U-1").

Comments and Questions:

Chairman Smith asked if a house existed across the street on the west side and Mr. Smith stated that it was the only one in the immediate area.

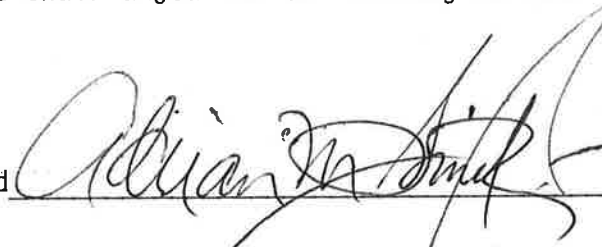
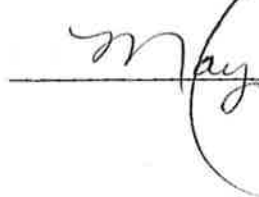
Mrs. Purser suggested that the case be continued to allow the applicant to submit a plot plan and a drawing indicating the traffic pattern for the proposed car wash. The Board also advised that they would not be in favor of the application if it was a twenty-four hour operation.

Board Action:

On MOTION of WAIT and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12566 to the May 5, 1983 meeting.

There being no further business, the Chair adjourned the meeting at 5:14 p.m.

Date Approved

  
  
Chairman