

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 386
Thursday, May 5, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Chappelle
Purser
Smith, Chairman
Victor
Wait

STAFF PRESENT

Gardner
Jones
Martin

OTHERS PRESENT

Jackere, Legal
Department
Miller, Protective
Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Wednesday, May 4, 1983, at 9:20 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 1:10 p.m.

MINUTES:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve the Minutes of March 24, 1983 (No. 383) and April 7, 1983 (No. 384).

WITHDRAWN CASES:

Case No. 12563

Presentation:

Chairman Smith advised that a letter from the applicant, Thomas Daniel, was submitted requesting that the application be withdrawn and the fees be refunded (Exhibit "A-1"). The Staff had no objection to reimbursing the fees.

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 withdraw Case No. 12563 and to refund the fees as requested.

Case No. 12580

Presentation:

The applicant, Robert Collins, Jr., was present and requested that the case be withdrawn as the request is no longer needed. A request for refund of fees was also asked by the applicant. The Staff advised that the notices were mailed out to surrounding property owners; the notice appeared in the Legal News and the Case Report and Maps were prepared.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to withdraw Case No. 12580 from the agenda.

Case No. 12580 (continued)

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 DENY the request for refunding the fees.

Case No. 12525

Presentation:

The Staff advised that the applicant requested the application be withdrawn because the Planning Commission previously denied the application.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to withdraw Case No. 12525 from the agenda.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12572

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the setback from 140th East Avenue from 50' to 40' in order to permit construction of a residence (corner lot). This property is located at the NW corner of 30th Street and South 140th East Avenue at 13823 East 30th Street.

Presentation:

Frank Zanzalone, 6372-G South 80th East Avenue, was present representing David Dillion and submitted a plot plan (Exhibit "B-1"). He requested that the side yard be altered in order to place a residence on the subject property.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the setback from 140th East Avenue from 50' to 40' in order to permit construction of a residence (corner lot), per plot plan, on the following described property:

Lot 12, Block 7, Eastland Acres 2nd Addition, Tulsa County, Okla.

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:

Ray Torby of Craig Neon, Inc., 1889 North 105th East Avenue, represented Chase and Associates and submitted a plat of survey (Exhibit "C-1") and two (2) photographs of the subject property and proposed sign location (Exhibit "C-2"). The proposed sign is 6' x 7' with an overall height of 15' and will be placed in the existing planter on the subject property. If the sign is moved back any farther it would be located in the driveway.

Mr. Torby stated that Craig Neon, Inc., has appeared before the Board of Adjustment many times concerning removing large signs and replacing a smaller sign at the same location. He suggested that a provision be placed in the Ordinance, if approved by the City of Tulsa and by the Sign Inspector, stating the Board of Adjustment approval is not needed, but the new owner of the sign would be required to sign a removal contract. Mrs. Purser suggested that Mr. Torby submit a copy of that proposal to the Board, the Planning Commission Staff and Legal Staff for their review.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 280 - Structure Setback from Abutting Streets) of the setback from 11th Street from 50' to 40', subject to the execution of the removal contract, on the following described property:

The South 100' of the North 324.75' of the East 216' of the West 246' of the NW/4 of the NE/4 of Section 10, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, AKA: Tract C.

Case No. 12491

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the lot width from 60 feet to 45.3 feet; and a variance of the lot area from 6,900 square feet to approximately 5,798.2 square feet and 4,249.14 square feet; 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:

Daniel Honeycutt, 5903 South Quincy Place, was present and submitted a copy of the plat of survey (Exhibit "D-1"). Touche Villa South was initially built as a single-owner duplex unit, but recently lot splits have been granted in that area with the exception of the one in question.

Case No. 12491 (continued)

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the lot width from 60 feet to 45.3 feet; a variance of the lot area from 6,900 square feet to approximately 5,798.2 square feet and 4,249.14 square feet and a variance of the side yard setback from 10' and 5' to 0' to allow the split of an existing duplex (L-15720), per plat of survey, on the following described property:

Lot 6, Block 1, Touche Villa South, Tulsa, Tulsa County, Okla.

Case No. 12524

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request for a use variance to allow a flower shop in an RS-3 District -- Use Unit 1213; and a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - of the front setback from the centerline of Apache from 100' to 63'; and a Variance - Section 1213.3- Use Conditions - of the screening requirement; and a Variance - Section 1213.4 - Off-Street Parking and Loading Requirements - of the required parking spaces from 11 spaces to 4 spaces and a Variance - Section 1320 (D) General Requirements - to allow off-street parking in an RS District located at 1031 East Apache Street.

Presentation:

Peter Jordan, 1031 East Apache Street, was present and presented a scaled model of the existing residence and the proposed addition to the subject property. The applicant intends to operate a flower shop as a home occupation. Mr. Jordan plans to enclose his existing porch and add an upstairs to the existing residence. The flower shop will be located in the former garage which is located behind the house.

Protestants: None.

Comments and Questions:

Mrs. Purser was unsure if the application should be heard by this Board or by the Planning Commission and Mr. Jackere, Legal Counsel, advised that if a hardship existed this Board would have jurisdiction. If no hardship exists the Planning Commission should act on this matter. Mr. Jordan advised that his wife is becoming disabled; and, permitting the flowershop at the subject location would be very beneficial to the business.

Mr. Gardner advised that the Comprehensive Plan does not call for commercial zoning for this property, but it is located one lot removed from commercial zoned property. The Staff views the property as a buffer and the residence should remain residential in character to be considered a home occupation. The property is 200' removed from an industrial district to the west and is isolated between two nonresidential districts. The Staff suggested the Board treat the case like a home occupation with some variances.

Case No. 12524 (continued)

Mrs. Purser inquired as to the number of employees and Mr. Jordan advised that he, his wife and son are the only employees. Mr. Jordan's son does not live at the subject address.

Discussion ensued concerning the amount of lot coverage and Mr. Jordan advised that the buildings on the model are represented to scale, but the board which they were placed on is not to scale. The subject lot is 50' x 150'. Mr. Jackere suggested if the Board is inclined to approve the application, to limit it to the CS Bulk and Area Requirements in regard to the .50 lot coverage.

The Board still questioned the hardship for this application and the Staff advised this particular case is very unique in that there are approximately 7 lots isolated on the north side of the street between IM and CS zoning. He advised that all seven lots may have a hardship. The Staff would be concerned that the subject property not exceed the 50% floor area since a parking problem could arise. He suggested the front of the residence remain residential in character and restrict the sign area permitted. Instead of a hardship imposed only on the subject property there would be an equivalent hardship for all seven lots.

Mr. Wait inquired as to the variance of screening and Mr. Jordan stated that there are no windows on the west side of the garage structure which could serve as a screening wall.

Mrs. Purser asked if the four spaces, as requested, would be adequate and the applicant answered in the affirmative. She expressed her disapproval of promotional events which would require advertisement and Mr. Jordan stated he would have no objection to that restriction. Mr. Victor added that the last variance wouldn't be needed if the four parking spaces were adequate.

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 410 - Principal Uses Permitted in Residential Districts) to allow a flower shop in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the front setback from the centerline of Apache Street from 100' to 63'; and a Variance (Section 1213.3 - Use Conditions) of the screening requirement, subject to there being no windows on the west side of the workshop building; and a Variance (Section 1213.4 - Off-Street Parking and Loading Requirements) of the required parking spaces from 11 spaces to 4 spaces and that the floor area ratio of the total buildings not exceed .50, on the following described property:

Lot 5, Block 1, Banfield Addition, Tulsa, Tulsa County, Okla.

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

Case No. 12513 (continued)

the Residential Districts - to allow mobile homes in an RS-3 District located at 426 West 36th Street.

Presentation:

The applicant, James McHenry, was not present. Chairman Smith advised that the applicant submitted a letter requesting that the case be continued to the June 2, 1983 meeting (Exhibit "E-1").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12513 to the June 2, 1983 meeting.

Lot 1, Block 1 of Reservoir 4 and 5, Garden City, 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 - of the 25' setback from abutting R Districts, and 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, was present and submitted a plot plan (Exhibit "F-1"). The applicant is requesting a variance to permit the floor area ratio to .59 of the lot. The last variance request was withdrawn because it was no longer needed. All of the eight lots in question are 25' lots. The Church owns twelve lots which will be used for parking purposes.

Protestants: None.

Comments:

Mr. Victor suggested that the lots in question (Lots 11-18) be subject to the issuance of a tie contract which would provide that all eight lots must be sold or mortgaged as one piece of property.

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 Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) for Church use and off-street parking; and a Variance (Section 440.7 - Special Exception Uses in Residential Districts, Requirements) of the 25' setback from abutting R Districts and a variance to permit a floor area ratio of up to .59; and a Variance (Section 1205.3 - Use Conditions) of the one-acre minimum, and to require the applicant to work with the

Case No. 12545 (continued)

City Attorney's Office in establishing a tie contract to tie all of the parking lots which the Church owns into one entity for the Church's tract under application today, on the following described property:

Lots 13, 14, 15, 16, 17, 18, Block 11, Capitol Hill Addition and Lots 3 and 4, Block 13, Capitol Hill Addition, 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:

A letter from the applicant, Marian Cornwell, was submitted requesting that the case be continued to the next scheduled meeting (Exhibit "G-1").

Protestants: None.

Board Action:

On MOTION of WAIT 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. 12566 to the May 19, 1983 meeting.

NEW APPLICATIONS:

Case No. 12557

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Section 440.7 - Use Unit 1205 - Request to allow Church use and related uses located at 3306 West Edison Street.

Presentation:

Rev. Ernest Bass, 3306 West Edison Avenue, represented First United Pentecostal Church and submitted a site plan (Exhibit "H-1") and an elevation plan (Exhibit "H-2"). Reverend Bass advised the Church previously received approval for use on the subject property; however, the time limit for beginning construction has expired. The plans have been slightly amended since prior approval. The structure has 233' of frontage on West Edison Street and the subject property contains approximately 2¼ acres. There will be adequate parking provided in the back of the proposed structure. There will be no day care center or school located at the church. The church building will be a metal building with an all rock front and a footing for brick veneer around the structure at a later time.

Protestants:

Marline Lee, 3128 West Easton Street, stated he is not opposed to the church use, but is concerned because the water flows off the subject property onto his land which has caused extensive damage to his property. He was also concerned with the traffic which would increase and possible parking problems created if the application is approved.

Discussion:

Chairman Smith advised that the property is subject to a subdivision plat which will be reviewed by the City Hydrology Department and City Engineering Department before final approval. Dorothea Miller, Protective Inspections, advised the proposed structure is required to be at least 85' from the centerline of Edison and the church building is required to set back 25 feet from any property line zoned residential. The Board suggested that the parking be amended because the plans indicate that the parking area will be only 11' from the property line rather than the required 25 feet.

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) and a Special Exception (Section 440.7 - Use Unit 1205) to allow church use and related uses, subject to the building be moved back to the proper setback from the residential property; no driveway should be located on the east side and subject to the property being platted; the elevations and exterior design of the building be subject to the drawings as submitted, with the rock veneer and the construction of the foundation to allow construction of future brick veneer and the roof overhang to be constructed suitably to add the brick veneer, on the following described property:

The NW/4 of the E/2 of Lot 1, Section 4, Township 19 North, Range 12 East, LESS the east 100 feet, Tulsa, Tulsa County, Okla.

Case No. 12558

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of side yard from 10' to 5.5' to permit a single-family house to be moved in, located at 3719 West 52nd Street.

Presentation:

Ronald James, 3840 West 55th Place, requested that the side yard variance be granted for 5' instead of the required 10' in order to permit a residence on the subject property.

Protestants: None.

Staff Comments:

Mr. Gardner advised that the area is zoned for apartments rather than single-family dwellings and the zoning requires 10' side yards.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the side yard from 10' to 5.5' to permit a single-family house to be moved in, on the following described property:

Block 3, Lots 25 and 26, South Haven Amended Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12559

Action Requested:

Variance - Section 206 - One Single-Family Dwelling Per Lot of Record- Section 430 - Request for a variance to allow two dwellings on one lot of record; and a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - of the setback to the north in order to line up with the existing structure, located at 63 North Zunis Avenue.

Presentation:

Erasmio Rivas, 63 North Zunis Avenue, requested permission to convert the existing garage into a garage apartment by adding approximately 150 square feet and remodeling the structure.

Protestants:

Leo Baker, 73 North Zunis, stated that he was not opposed to the applicant converting the building into a garage apartment, but requested that the renters be limited to one family or one individual.

Ruth Baker, 73 North Zunis Avenue, advised that she had no objection to the request, but would be opposed if undesirable persons occupied the garage apartment. She suggested that Mr. Rivas carefully consider any proposed renters.

Board Questions:

Mr. Victor asked if there are any other apartments in the subject area and Mr. Rivas advised that there are two in the immediate area.

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 206 - One Single-Family Dwelling Per Lot of Record and Section 430) to allow two dwellings on one lot of record and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the setback to the north in order to line up with the existing structure, with the provision that the addition to the existing garage be limited to 150 square feet on the following described property:

Lots 42 and 43, Block 3, Eastland Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12560

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1207 - Section 440.3 - Request to convert a single-family residence into a duplex; 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 1321 East 49th Street.

Presentation:

Marie Carpenter, 1321 East 49th Street, was present and submitted a plot plan (Exhibit "I-1"). Mrs. Carpenter plans to convert her home from one family dwelling into a duplex by closing off two interior doors and one window to convert the present dining room into a kitchen. There will be no exterior change to the existing structure. The entrance which the applicant will utilize is the front door and the renters will utilize the back entrance.

Protestants: None.

Comments and Questions:

Chairman Smith inquired about the additional parking at the subject property and Mrs. Carpenter stated the existing residence includes a single car garage and a single car driveway which will serve her needs. The owner of the property previously parked four or five vehicles on-site. Mr. Victor advised that the Code requires four off-street parking spaces be provided, and the applicant stated she could meet that requirement.

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, Use Unit 1207 - Section 440.3) to convert a single-family residence into a duplex, 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, per plot plan, on the following described property:

Lot 5, Block 17, Bellaire Acres Second Extension, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 12561

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in the Office Districts - Section 440.7 - Use Unit 1202 - Request to allow a tent revival from July 3rd to August 20, 1983, located north of the NE corner of 46th Street North and Cincinnati Avenue.

Presentation:

Harold Brewer, 7343 South Darlington Avenue, requested that the zoning and building restriction be waived temporarily in order to conduct an evangelistic crusade on the subject property July 3rd through August 20, 1983. The two-hour nightly meetings will be held under a 40' x 60' tent which will accommodate approximately 150 to 200 individuals.

Protestants: None.

Comments:

Chairman Smith advised the Board received a letter from Tulsa City-County Health Department concerning provisions for sewage disposal and water supplies on the subject property. The Board suggested that the case be continued awaiting the Health Department's approval of the application. The Board also advised that the Zoning Code only allows for a 30-day approval of this request.

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. 12561 to the May 19, 1983 meeting.

Case No. 12562

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Section 440.2 - Use Unit 1213 - Request to allow a home occupation (beauty shop) in an RS-3 District located West of the NW corner of 17th Place and Lewis Avenue.

Presentation:

Pauline Gaddy, 2143 East 17th Place, requested permission to operate a beauty shop in her home by enclosing the front porch. Ms. Gaddy advised that this residence is located next to Barnard Elementary School and does not wish to have her clientele interfere with the arrival and departure of the school children at this location. There is a long driveway and a single-car garage at the subject location.

Protestants:

Gerald Lee, 2727 East 21st Street, represented many of the home owners in the area and submitted a protest petition signed by 90 property owners in the area (Exhibit "K-1"); a resolution adopted by the Barnard Elementary School P.T.A., stating their opposition to the application (Exhibit "K-2"); a protest letter from Mr. and Mrs. William Riley, Jr., 2011 East 17th Place (Exhibit "K-3") and nine (9) photographs of the subject property and Barnard School (Exhibit "K-4").

The applicant's house is located adjacent to the Barnard Elementary School which would create a great danger to the school children if the

Case No. 12562 (continued)

application is approved. Mr. Lee advised that the entire frontage of the applicant's house is encompassed by a cross-walk area for the school children. Property values would also decrease if this request is granted.

There were approximately 17 property owners in the area present in protest to the application.

Applicant's Rebuttal:

Ms. Gaddy stated that she had visited with her immediate neighbors concerning the proposed home occupation and they were not in opposition to the operation.

Questions and Comments:

Mr. Victor inquired as to the number of customers anticipated each day at the beauty shop and Ms. Gaddy stated that she would schedule no more than four or five customers a day with at least an hour between each appointment. Mrs. Purser suggested that the operation be restricted between the hours of 9:00 a.m. and 2:30 p.m. and the applicant was not opposed to that condition.

Mrs. Purser asked if the Barnard School also operated a kindergarten program at the school and one of the protestants answered in the affirmative.

The Board felt that if the application was approved that it would endanger the school children in the immediate area and would affect the traffic pattern in the area.

Mr. Jackere, Legal Counsel, stated that he was aware of a retail plant sales on 19th Street, between Zunis and Lewis Avenues and instructed the Building Inspector to observe that location because no businesses are permitted in that area.

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 DENY a Special Exception - (Section 420 - Accessory Uses in Residential Districts - Under the Provisions of Section 440.2 - Use Unit 1213) to allow a home occupation (beauty shop) in an RS-3 Zoning District, on the following described property:

Lot 32, Block 5, Maywood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12564

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Section 440.6 - Use Unit 1209 - Section 430 - Request to allow a mobile home in an RS-3 District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Section 430 - to allow two dwelling units per lot of record located north of the NE corner of 49th Court and Frankfort Place.

Presentation:

Pamela Howard, 4955 North Frankfort Place, requested permission to place a mobile home on the subject property to care for her mother,

Case No. 12564 (continued)

who resides in the house presently on the subject tract.

Protestants: None.

Board Comments:

Chairman Smith asked if there are other mobile homes in the area and Ms. Howard stated that she was unaware of others in the area. The Board expressed their concern because there are no mobile homes in the surrounding area.

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 DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Section 440.6 - Use Unit 1209 - Under the Provisions of Section 430) to allow a mobile home in an RS-3 District; and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 430) to allow two dwelling units per lot of record, on the following described property:

Lot 56, Block 2, Suburban Acres Third Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12565

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Request for a variance of the setback from 50' to 34' from Owasso Avenue. This property is located at the NE corner of 2nd Street and Owasso Avenue.

Presentation:

Art Floyd, 16709 East 1st Street, the contractor of the proposed project, was present and requested that the variance be granted to permit the setback from 50' to 34' in order to construct a 40' wide structure on the two lots in question. The lots are 25' lots and were approved by the Planning Commission previously. Mr. Floyd advised that there is presently a gravel parking lot on the property. A plot plan was submitted (Exhibit "L-1").

Protestants: None.

Comments:

Mr. Jackere, Legal Counsel, advised that the gravel parking lot would not be acceptable and is required to be asphalted. Mrs. Miller, Protective Inspections, advised that the applicant must provide parking on the lot of the use.

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 930 - Bulk and Area Requirements in Industrial Districts) of the setback from 50' to 34' from Owasso Avenue, per plot plan submitted, on the following described property:

Case No. 12565 (continued)

Lots 19 and 20, Block 14, Berry Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12567

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Section 1211 - Section 440.2 - Request for a home occupation (transportation broker) in a residence located at 2437 West 45th Place.

Presentation:

Don Weygandt, 2437 West 45th Place, was present and requested permission to operate a truck brokerage in his residence. Due to an economic hardship, the applicant moved from his office into his home July 1982 and has continued the business at the subject property since that time. Mr. Weygandt advised the Police Department that 18-wheeler trucks would be parked in the immediate area as a result of the business and the Department had no objection to the legality. Approximately four months later the Police Department requested the trucks park northbound on South 25th West Avenue due to the trucks blocking visibility on 45th Court and 45th Place entering on 25th West Avenue.

Mr. Weygandt explained that the neighbors' concerns involve the large trucks being parked in the immediate area. The applicant made a verbal agreement with the owner of a motel located on Interstate #44, approximately one-mile from the subject property, who agreed to permit the trucks be parked at this location. Mr. Weygandt is required to process paperwork on the truck and the driver. The driver would call the applicant upon his arrival to the motel at which time Mr. Weygandt would meet the driver at the motel location, receive a portion of the information required and take the driver to his residence in order to process all of the information.

Protestants:

Margaret Hopkins, 2434 West 45th Court, was present in protest to the application and also represented St. Catherines School who oppose the request. Submitted to the Board was a protest petition signed by approximately 82 property owners in the immediate area (Exhibit "M-1"). Mr. Weygandt's residence is located in a school zone. If the application is approved to allow the large trucks in the neighborhood a safety hazard would be created for the school children in the area. Ms. Hopkins also stated she is opposed to allowing the applicant to sell boats and cars at his residence which has occurred numerous times.

David Harper, 2424 West 45th Court, advised his major concern is the 18-wheelers being parked on South 25th West Avenue. He, too, was greatly concerned that the approval would tremendously jeopardize the school children in the subject area. If the trucks were parked at the motel on I-44 Mr. Harper would have no objection to the home occupation if the applicant complied with the Board's restrictions.

Comments and Questions:

The Board was concerned that enforcement of restricting the trucks from the applicant's property would be unfeasible. Legal Counsel advised there is no law prohibiting a truck from parking on any residential street. He felt that the restriction could not be enforced if the

Case No. 12567 (continued)

application was approved. Mr. Weygandt advised there would be no large trucks parked in the immediate area because of the agreement made with the motel owner allowing the trucks to be parked at that location.

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 DENY a Special Exception (Section 420 - Accessory Uses in Residential Districts - Under the Provisions of Section 1211 and Section 440.2) for a home occupation (transportation broker) in a residence, on the following described property:

Lot 7, Block 5, Sherwood Forest Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12568

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Section 1240 - Use Unit 1214 - Request for a use variance to permit a pizza catering service in an existing nonconforming grocery store; and a Variance - Section 1340 (d) - Design Standards for Off-Street Parking Areas - to allow an existing gravel parking lot and a Variance - Section 250.1 - Screening Wall or Fence Specifications - to remove the screening requirements located at 2914 East 3rd Street.

Presentation:

Bob Cannon, 10760 East 41st Street, was present and submitted eight (8) photographs of the subject property (Exhibit "N-1") and an artist's rendering showing the proposed condition of the existing structure when established (Exhibit "N-2"). The proposed use of the existing building is a pizza catering service which involves preparing and baking the pizzas at the premises and then being delivered to the customer's residence. The subject building was used as a grocery store approximately 15 years ago, but has not been used for any retail activity since that time. The applicant intends to clean up the subject property and repair the structure.

Mr. Cannon stated that he talked with the neighbors on each side of the subject property concerning the variance to remove the screening requirements and there was no objection voiced.

Protestants:

Eugene Colleoni, District #4 Chairman of the Greater Tulsa Council, advised the building in question is approximately 50 years old and is fully depreciated. The owner of the subject property lives out of state and abandoned this property which has allowed it to become an eyesore. The building was previously used as a grocery store and the Health Department requested that it be closed down because it was unsanitary. Mr. Colleoni also stated that the subject area is zoned single-family residential and is opposed to allowing a commercial establishment in this area.

Norma Mumford, 228 South College, stated that she lives across the street from the subject property and requested that the property be cleaned up and rid the area of the eyesore.

Case No. 12568 (continued)

Applicant's Rebuttal:

John Spencer, Fontana Center, Suite 1473, the original applicant of the request, stated that he canvassed the surrounding property and advised the property owners of his intention of using the building as a business. There was only one negative complaint which the applicant received concerning the proposed use. Mr. Spencer contended that the use is bound by the Health Department to meet the required standards of operation.

Paul Gilmore, the owner of the subject property, assured the Board that the building would be brought up to standards and the property would be an asset to the surrounding area.

Comments and Questions:

Mr. Victor inquired as to the number of delivery trucks involved in the catering aspect of service and Mr. Cannon stated that no trucks would be used in the business, rather three individuals would deliver the pizzas in their personal vehicles. Mr. Victor also inquired as to the hours of operation and Mr. Cannon stated the business would operate from 3:00 p.m. to 11:00 or 12:00 p.m. during the week and would close at 1:00 a.m. on weekends, if approved.

Mr. Jackere, Legal Counsel, advised that the structure is nonconforming in nature. If the Board approved this application it could set a precedent. Mrs. Purser suggested that the Board consider granting approval of the request on a limited time basis. Mr. Jackere advised that if the request is appropriate on a limited basis it was appropriate indefinitely. Mr. Gardner reminded the Board that the subject area is zoned residential and could not be zoned commercial under the Comprehensive Plan.

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 DENY a Variance (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Section 1240 and Use Unit 1214) to permit a pizza catering service in an existing nonconforming grocery store; and a Variance (Section 1340 (d) - Design Standards for Off-Street Parking Areas) to allow an existing gravel parking lot; and a Variance Section 250.1 - Screening Wall or Fence Specifications) to remove the screening requirements, on the following described property:

Lot 1, Block 9, Pleasant View Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12569

Action Requested:

Variance - Section 280 - Structure Setback From Abutting Streets - Request for a variance of the setback requirement from 101st Street South to permit an existing sign located at 5150 East 101st Street South.

Presentation:

Guy Rowe, 5333 East 97th Street South, the pastor of Life Christian Center, submitted three (3) photographs of the existing sign (Exhibit "0-1") and a plot plan (Exhibit "0-2"). Mr. Rowe advised that the Board previously

Case No. 12569 (continued)

approved the sign for the church facility, but the sign was placed closer to the street than permitted. The applicant made his apologies to the Board for the mistake.

Protestants: None.

Staff Comments:

Mr. Gardner suggested that approval be granted, subject to the City Commission's approval.

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 280 - Structure Setback From Abutting Streets) of the setback requirement from 101st Street South to permit an existing sign, subject to the City Commission's approval, removal contract required, per plot plan, on the following described property:

The NE/4 of the NW/4 of the NW/4 of Section 27, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Okla.

Case No. 12570

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request for a variance of the lot width from 60' to 30'; a variance of the lot area from 6,900 sq. ft. to 3,775.5 sq. ft.; a variance of the land area; and variance of the livability space and a variance of the side yard requirement from 5' to 0'; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Section 430 - to allow 4 dwellings on two lots of record, located West of the NW corner of East 36th Place and New Haven Avenue.

Presentation:

Chairman Smith advised that Dimension Properties, Inc., requested that the case be continued because the applicant must first appear before the Planning Commission for additional rezoning.

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 continue Case No. 12570 to the June 30, 1983 meeting.

Case No. 12571

Action Requested:

Variance Section 280 - Structure Setback From Abutting Streets - Request for a variance of the Major Street Plan setback from the centerline of I-44 Service Road from 50' to 35' to accommodate canopies for gasoline pumps located at 5150 South 33rd Street.

Case No. 12571 (continued)

Presentation:

W. L. Smith, 7434 East 46th Street, the owner of the subject property, was present and submitted a plot plan (Exhibit "P-1") and three (3) photographs of the subject property (Exhibit "P-2"). The Git-N-Go convenience store located on the subject property was built in 1973 and in accordance with the plot plan as submitted. The applicant proposes to remove the entire north gasoline island and extend a canopy to the north. By removing the north gasoline island there will be more parking provided for the convenience store. The new canopy will be a flat canopy and will be in keeping with the new remodeling of the store. The canopy will match the new facia on the store.

Protestants: None.

Discussion:

The Staff's concern is when 33rd West Avenue is widened and becomes a four-lane street the construction would be in the major street setback and would be subject to removal. The applicant stated that the setback request was from the service road of I-44.

Mrs. Purser was concerned with the proposed lighting on the property. Mrs. Miller stated that according to the atlas there is 40' dedicated from the centerline of 33rd West Avenue to the property line. The canopy, as shown, extends out to the property line on 33rd West Avenue where the relief is needed and is not on Skelly Drive Service Road. Mr. Jackere stated that the Board does not have jurisdiction to act on the case today. Chairman Smith suggested that it be continued to allow for readvertising.

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 continue Case No. 12571 to the May 19, 1983 meeting.

Case No. 12573

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Section 440.8 - Use Unit 1211 - Request to permit office use in an RM-1 District located at 3309 South Yale Avenue.

Presentation:

Wilma Cruzan, 6660 South Lewis Avenue, submitted an exhibit consisting of the plot plan, floor plan, elevation plan, and sign elevation (Exhibit "Q-1"). Mrs. Cruzan proposes to utilize the existing building, but plans to change the front of the structure by adding a stone facade. An addition to the back portion of the building is proposed and is reflected in the floor plan. A condominium development is located to the south and a U-Haul and service station are located to the south of the subject property. The proposed sign for the business will be approximately 6'4" x 7', or would be reduced in size if the Board requests.

Protestants: None.

Interested Party:

Douglas Canfield, 3318 South Allegheny Avenue, advised that Mrs. Cruzan met with the homeowners in the subject area previously and shared the
5.5.83:386(18)

Case No. 12573 (continued)

plans and drawings as proposed. At the meeting the applicant agreed to erect an 8-foot privacy fence along the east line of the property and limit access into her parking lot in the back during non-business hours. Mr. Canfield submitted a letter from Ms. Helen McMahan, 3336 South Allegheny Avenue, stating those conditions (Exhibit "Q-2").

Board Comments:

The Staff suggested that the applicant be limited to a 32 sq. ft. sign as restricted in a light office zoned district and Mrs. Cruzan had no objection to that restriction.

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) and, (Section 440.8 - Use Unit 1211) to permit office use in an RM-1 District, subject to the sign size being restricted to the OL zoning requirements (32 sq. ft.) and to erect an 8' privacy screening fence on the east property line, and that no parking be allowed in the back parking lot at night and that the lighting be directed inwardly, on the following described property:

Lot 18, Block 3, Yorkshire Estates Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12574

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Section 440.6 - Mobile Homes - Use Unit 1209 - Request to permit a mobile home in an RS-3 District; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Section 430 - to allow more than one dwelling unit per lot of record located at 2602 East 51st Street North.

Presentation:

Mike Wilson, P. O. Box 541, Skiatook, Oklahoma, was present and represented Virginia Dedmon, his aunt, and requested permission to locate a mobile home on the 10-acre tract which presently includes the applicant's residence. Mr. Wilson desires to live close to his aunt so he can care for her because she is elderly.

Protestants: None.

Board Comments:

Chairman Smith advised a letter from the Tulsa City-County Health Department was submitted requesting that proper provisions for sewage disposal be secured prior to approval (Exhibit "R-1"). The Staff suggested that the Board approve the application, subject to the Health Department's approval.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District - Under the

Case No. 12574 (continued)

Provisions of Section 440.6 - Mobile Homes - Use Unit 1209) and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the Provisions of Section 430) to allow more than one dwelling unit per lot of record, subject to Tulsa City-County Health Department's approval, removal bond required, for a one-year time period, on the following described property:

The NW/4 of the NE/4 of the SW/4 and the W/2 of the NE/4 of the NW/4 of the NE/4 of the SW/4 and the W/2 of the SW/4 of the NW/4 of the NE/4 of the SW/4 of Section 8, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa, Tulsa County, Oklahoma, LESS a tract of land beginning 165' East of the NW/4 of the SW/4 of Section 8, Township 20 North, Range 13 East of the Indian Base and Meridian; thence South 215'; thence East 102' and North 215'; thence West 102' to the point of beginning.

Case No. 12575

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1213 and Use Unit 1219 - Request for a special exception to permit Use Units 13 and 19 to permit construction and operation of a motel and related convenience goods and services; and a Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - of the required setback in an IL District from an abutting R District to permit a motel building within 2' of the west property line located at the South side of Archer Street, West of Sheridan Road.

Presentation:

Charles Norman, 909 Kennedy Building, advised that the subject property is located on the south side of Interstate #244 with frontage on Archer and is zoned under the IL zoning classification. The applicant is seeking a special exception to construct a motel on this site. The subject property is located immediately west of the existing Stratford House Motel, which is just west of the Azalea Gardens Nursery. All of the property south of the proposed construction is zoned under CH classification.

On March 4, 1982, the Board approved a variance of the setback requirements in the Industrial District to 2' to allow the placement of a building in the immediate area. The site plan, as submitted, indicates the need for a variance to 5' for the two buildings on the north and to 4' for the end building on the south end of the lot.

Protestants:

Jay McAtee, Legal Intern representing Mr. and Mrs. David Parrish, 5431 East 39th Street, who own the Azalea Gardens Nursery located directly west of the subject property. Mr. McAtee submitted eight (8) photographs showing the use of the protestant's property (Exhibit "S-1") and several drawings including the utilization of the lot, and surrounding businesses (Exhibit "S-2"). The Parrish family acquired their property in 1954 and began growing Azaleas. In 1970 the Parrishes were granted Board of Adjustment approval for an exception for the nursery. Since 1970 the Azalea Gardens have become a very reputable establishment and known throughout the Southwest.

Case No. 12575 (continued)

Mr. McAtee referred to Section 900.3 of the Zoning Code, which states that an IL District is designed to provide areas suitable for manufacturing, wholesaling and other industrial activities which have no objectionable environmental influences. Permitting the erection of the motel structure would cause increased traffic flow and would reduce air flow which would also increase obnoxious odors brought to the plants. If the structure is placed in the proposed location on the west edge of Lot 17 it would be 5' within the existing flower beds.

David Parrish, 5431 East 39th Street, advised that the nursery is very long and narrow and if the two structures are located where proposed, most of the morning light which is very valuable to plants would be lost. The west wall of the motel would be very hot and allow radiation from the hot west wall to endanger the plants. He was insistent with the Board to deny the application to save the Azaleas.

Applicant's Rebuttal:

Mr. Norman advised that the island of RM-2 zoning in the immediate area is the only zoning in the block that is not zoned CG or CH. The Parrishes, who are protesting the application, have constructed metal buildings and green houses within 2' of their property line and are requesting that the applicant not be permitted to do the same. If the subject property were zoned under the CG or CH classification there would be no setback requirement.

Mr. Norman contended that the Azalea Nursery is located in the center of the highest traffic count in the area. He did not feel that a 100-car increase would create an environmental detriment to the garden.

Board Comments and Questions:

Mr. Chappelle inquired as to the number of stories proposed for the motel structure and Mr. Norman stated that the building will be two stories in height which would be consistent with the apartments to the west and the Stratford House Motel to the east. Mrs. Purser advised the protestants that the subject property is zoned IL which provides no height restriction. The setback restriction for an IL zoning is 75', but the Board made an exception to that restriction to 2' in 1982 for an industrial use.

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 Special Exception (Section 910-Principal Uses Permitted in Industrial Districts - Under the Provisions of Section 1219) to permit Use Unit 19 for the construction and operation of a motel and related activities only, and to DENY Use Unit 13 Under the Provisions of Section 1213; and to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts) of the required setback in an IL District from an abutting R District to permit a motel with the west boundary being 5' on the two buildings closest to Archer and 4' on the back building as shown on the plot plan, that the buildings be limited to two stories in height as represented, on the following described property:

Lots 16 and 17, Block 2, GREENLAWN ADDITION, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1215 - Section 740.4 - Request to allow a Use Unit 15 for temporary sale of in-season nursery stock; and a Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - of the setback from Sheridan Road from 100' to 50' and from 71st Street from 110' to 50' located at the NE corner of 71st Street and Sheridan Road.

Presentation:

Howard Miller, 5200 South Yale Avenue, Suite 100, was present representing McCartney Supermarket located on the corner of 71st Street and Sheridan Road. Nine (9) photographs of the subject property were submitted (Exhibit "T-1"). The applicant is seeking permission to allow a Use Unit 15 for temporary sale of in-season nursery stock at McCartney Supermarket which also involves the variance of the setback from the centerline of 71st Street and Sheridan Road.

Protestants: None.

Interested Party:

Ellen Nelson, assistant manager of State Federal Savings and Loan, 6560 East 71st Street, inquired as to the meaning of temporary sales. Mr. Miller stated that the applicant would comply with the Board's decision, but had originally sought a 5-month approval.

Discussion:

Discussion ensued concerning the location of the sales. Mr. Miller stated that if the sales area were moved to the back of the store it would be cutting off two exits and entrances and two walls of parking spaces for the store. Mr. Miller also requested that the use be granted for a short time every year and Chairman Smith advised renewal of the application would have to be required each year.

Mr. Gardner stated that the Staff's concern is the encroachment into the setbacks of two major streets, Sheridan Road and 71st Street.

A MOTION was made to approve the special exception and DENY the variance. There was no SECOND to the 1st motion; therefore, Mr. Victor made a MOTION to DENY the application and was SECOND by CHAPPELLE.

Discussion then ensued concerning the setbacks. Mr. Gardner stated the only concern of the Staff is that the Board might waive the setback on a major street. The Staff has no problem with the intended use.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the Provisions of Use Unit 1215 and Section 740.4) to allow a Use Unit 15 for temporary sale of in-season nursery stock to be limited to five (5) months effective March 1st, and to DENY a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the setback from Sheridan Road from 100' to 50' and from 71st Street from 110' to 50', on the following described property:

Case No. 12576 (continued)

Lot 3, LESS the East 145' and LESS a parcel in the NW corner of Lot 3, more particularly described as follows: Beginning at the NW corner of Lot 3; thence East 180' to a point; thence South 295.01' to a point; thence West 180' to a point on the West line of said Lot 3; thence North along the West line of Lot 3 a distance of 295.01' to a point of beginning; and, LESS the North 95.0' of Lot 3; and ALL of Lot 4 of Block 1, Plaza Village, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12577

Action Requested:

Variance - Section 420.2 (a) - Permitted Yard Obstructions - Request to allow a detached accessory building in the front or side yard for the entire addition and a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - of the setback from East 100th Place from 25' to 15' and from East 101st Street South from 35' to 25' located west of the NW corner of 101st Street and Sheridan Road.

Presentation:

J. Donald Walker, 5110 South 95th East Avenue, was present and advised that he is one of the developers of Bayberry Subdivision where the subject property is located. The applicant is requesting permission to locate a detached garage in the front yard. The garage was pulled away from the house so there is no common wall. The opening of the garage door will setback 25' from the property line. The only detached accessory building proposed is the detached garage structure.

Mr. Walker stated that the second variance is redundant and is not needed. When the Sun Meadow 5th Subdivision was platted years ago this variance was granted to the developer. The building plans were submitted for the Building Inspector's review who determined that due to Section 1670.5 of the Zoning Code which addresses time limitations on variances, the time limit had expired. When Bayberry Place was replatted the time limitation was not reinstituted. The developer checked and found that six houses had been constructed in the subdivision. It was deemed by the Building Inspector's Office that as a result of the homes being built in the subdivision the variance had been activated.

Protestants:

Richard Kirchner, 10015 South Norwood Avenue, stated that he would be opposed to any other accessory building being constructed other than a garage.

Discussion:

Legal Counsel also agreed that the 2nd variance was not needed as long as the 1st variance which was granted, that supposedly expired, was a variance that was applicable to all the lots originally. The Board agreed that the time has continued and had not expired.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-1-0 (Chappelle, Purser, Victor, Wait, "aye"; "Smith,"nay"; no "abstentions"; none, "absent") to approve a Variance (Section 420.2 (a) - Permitted Yard Obstructions) to allow a detached garage structure in the front yard, on the following described property:

Case No. 12577 (continued)

Bayberry Place, a Resubdivision of Block 1 and Lots 1 through 10, Block 2, Sun Meadow V, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12578

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Request to extend present building to within 40' from the centerline of South Peoria Avenue to conform with the existing structure immediately north of applicant's building located at 1219 South Peoria Ave.

Presentation:

Earl Wolfe, 616 South Main Street, Suite 204, attorney representing Thomas and Mary Elliott, the owners of the subject property, was present and submitted a plat of survey (Exhibit "U-1"). The existing structure which is located on lots 33 and 34 is presently used as a chiropractic clinic and is 55' from the centerline of South Peoria Avenue. Lots 35 and 36 were formerly occupied as an apartment building, but recently burned, therefore, the two lots have been cleared for a proposed parking area. A 15' extension to the front of the chiropractic clinic is proposed and will be consistent with the building to the north. The existing porch which extends 11' from the structure will be removed in order to extend the structure.

Protestants: None.

Interested Party:

Eugene Colleoni, District #4 Chairman of the Greater Tulsa Council, expressed his concern of the encroachment into the Major Street Plan setback. Section 270 of the Major Street Plan was adopted by the Mayor and Board of Commissioners on April 29, 1969 which the applicant is seeking an exception.

Comments and Questions:

The Board inquired as to the location of the surrounding structures in relation to the Major Street Plan. Mr. Wolfe advised that the Board granted a variance in 1977 to Lloyd Brawley for Brawley Rent, Inc., which is located the same distance from the centerline of Peoria as the proposed addition.

Mr. Gardner suggested that a removal contract be required if the Board was inclined to approve the application.

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 280 - Structure Setback From Abutting Streets) to extend present building to within 40' from the centerline of South Peoria Avenue to conform with the existing structure immediately north of the applicant's building, subject to the execution of the removal contract, per plat of survey, on the following described property:

Lots 33-36, Block 5, Orchard Addition, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1207 - Section 440.3 - Request to permit a duplex in an RS-3 District; and a Variance - Section 430 - Bulk and Area Requirements in Residential Districts - of the setback from the centerline of Archer Street from 55' to 45.9' and from the centerline of Louisville Avenue from 50' to 48' and a variance of the side yard requirement from 5' to 2'; and a Variance (Section 440.3 (a)- Special Exception Uses in Residential Districts, Requirements - of the lot area from 9,000 sq. ft. to 7,700 sq. ft. located at the NE corner of Archer Street and Louisville Avenue.

Presentation:

Mitch Hunter, 3703 East Archer Street, was present and submitted a plot plan (Exhibit "V-1") and eight (8) photographs of the subject property and four duplexes in the immediate area located on Louisville (Exhibit "V-2"). There is an existing residence on the subject property where the applicant resides and an additional dwelling unit is proposed for the tract. A four-car garage will also be included on the tract. Both houses will face Archer and the applicant intends to connect the two dwellings by adding a breezeway therefore, making a duplex.

Protestants: None.

Discussion:

Discussion ensued concerning the connection of the two dwellings. It was advised that the breezeway should be enclosed and Mrs. Miller, Protective Inspections, contended the Board could make a determination that the breezeway made the 2 dwellings a duplex. Mr. Victor was insistent upon the definition of a duplex according to the Zoning Code which states a duplex is a building containing two dwelling units. The Board agreed that the property would be more attractive in appearance without the breezeway. The Board finally decided by connecting the two dwellings with the breezeway, one building would be created.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-1 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; Wait, "abstaining"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1207 and Section 440.3) to permit a duplex in an RS-3 District; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts) of the setback from the centerline of Archer from 55' to 45.9' and from the centerline of Louisville from 50' to 48'; and a variance of the side yard requirement from 5' to 2'; and a Variance (Section 440.3 (a) - Special Exception Uses in Residential Districts, Requirements) of the lot area from 9,000 sq. ft. to 7,700 sq. ft., per the concept plot plan with the provision that the breezeway indicated be installed to connect the two living areas, on the following described property:

Lot 13, Block 18, Federal Heights 2nd Addition, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1202 - Section 440.7 - Request to permit a tent revival from May 7th through May 14 located at 1915 East 3rd Street.

Presentation:

Victor Orta, associate minister of the Immanuel Baptist Church, 1915 East 3rd Street, was present and submitted a memorandum addressed to the Board members and concerned citizens, which also included a layout of the subject property, letters written to the Fire Marshal and Electrical Inspector (Exhibit "W-1"). Mr. Orta proceeded to read from the memorandum which explained the purpose of the crusade and the location of the tent and tent area. The applicant is seeking a special exception for a temporary permit from May 7-14 in order to conduct a Hispanic Tent Crusade.

Thomas Baddley, 1915 East 3rd Street, the pastor of the Immanuel Baptist Church, advised the Board of the services to be held May 7, through May 14, at 7:30 p.m. with the exception of Sunday night services to be conducted at 7:00 p.m. There will be services conducted on Wednesday, Thursday and Friday during the day which will be held in the church building. The nightly services will conclude at 9:15 p.m.

Protestants:

Fay Rogers, 3737 East 2nd Street, stated she owns the house located at 118 South Xanthus Avenue, which is adjacent to the subject lot. Mrs. Rogers advised the Board of a lot directly across from the parsonage which is a parking lot and would be an ideal location for the crusade. She was fearful that her tenants at 118 South Xanthus would be disturbed with the noise projected from the nightly services.

Sue Holloway, 117 South Wheeling, spoke in opposition to the request because she owns the property to the north side of the property and owns a German Shepherd dog which would prove to be a disturbance to the services and to her neighbors. She was also concerned that there would not be adequate parking provided on the tract.

Oscar Simpson, 118 South Xanthus, stated that he lives next to the unpaved parking lot and is opposed to the application because cars are parked in his yard and are an annoyance.

Minnie Ledford, 110 South Xanthus, contended that there are many elderly people who reside in the immediate area. If the crusade is allowed it would create noise and cause a disturbance to the neighbors at night. She suggested that the services be conducted in one of their two sanctuaries.

Interested Party:

Eugene Colleoni, District #4 Chairman of the Greater Tulsa Council, was present in support of the application and expressed his appreciation for the religious activity proposed in this area.

Discussion:

Discussion ensued concerning the location of the tent for the revival services. The Board suggested that the tent be erected on Lot #1.

Case No. 12584 (continued)

(parking lot) as shown on the drawings submitted, which would be farther from any residences than the proposed location. Mr. Baddley advised that if the tent was erected on the parking lot it would be situated as close to any residences as the proposed location. He also stated that electrical connections would be necessitated causing a financial burden on the church at this time.

The Board advised that they would not be supportive of the request at the same location again. Since the revival as proposed is approaching so soon the Board acted in favor of the application.

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 Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1202 and Section 440.7) to permit a tent revival from May 7th to May 14th, 1983, with the provision that the next time the Immanuel Baptist Church applies for an exception for a tent revival that it must be placed toward the center of the parking lot designated as Lot 1 in the exhibit submitted, and subject to the Health Department approval of the proposal, on the following described property:

Lot 21, Block 15, Gillette Hall Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 9354

Action Requested:

Request to consider approval of substitute plot plan for Case No. 9354.

Presentation:

James O'Haren, 4515 East 100th Street, submitted a substitute plot plan of the Tulsa Southern Tennis Club (Exhibit "X-1"). The Board previously approved the request to permit 18 outdoor tennis courts (lighted) and 10 indoor tennis courts. The applicant now wishes to include a total of 21 outdoor tennis courts (lighted) and 6 indoor tennis courts. The number of courts proposed is one less than previously approved, but just the location would be different.

Discussion:

Discussion ensued concerning the lighting proposed for the outdoor courts and Mr. O'Haren explained Enviro lights which are approximately 21' high would be used for lighting the courts. The lights will be directly inwardly and would not light anything other than the courts.

Mr. Victor inquired as to the proposed parking and the applicant advised that there are 70 parking spaces in the front which are presently adequate, but additional spaces will be provided in the back.

Board Action:

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

Case No. 12606

Action Requested:

Request for refund of fees for Case No. 12606.

Presentation:

The applicant was not present.

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 continue Case No. 12606 to the May 19, 1983 meeting.

There being no further business, the meeting was adjourned at 7:00 p.m.

Date Approved

6 - 2 - 83

A large, stylized handwritten signature in black ink, likely belonging to the Chairman, is written over a horizontal line. The signature is cursive and somewhat difficult to decipher, but it appears to start with a capital 'A' and ends with a large flourish.

Chairman