

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 388  
Thursday, June 2, 1983, 1:00 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT

Chappelle  
Purser  
Smith, Chairman  
(in at 1:07 p.m.)  
Victor  
Wait

STAFF PRESENT

Compton  
Jones  
Martin

OTHERS PRESENT

Miller, Protective  
Inspections  
Passo, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, May 31, 1983, at 10:55 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Acting Chairman Purser called the meeting to order at 1:05 p.m.

MINUTES:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve the Minutes of May 5, 1983 (Meeting No. 386).

WITHDRAWN CASES:

The Chair without objection withdrew Case Numbers 12554 and 12571 at the applicant's request.

Case No. 12586

Dorothea Miller, Protective Inspections, advised at the previous hearing the Board directed the Building Inspections Department to review the subject property to determine if the proposed structure would meet the average 35' height restriction. According to Ed Rice, the residence would meet the requirement if the structure was land-filled even with the concrete shelter.

Mr. Jones was informed by the INCOG Office that a letter had been received from Jerry White, the applicant, requesting that the application be withdrawn as the problem had been worked out with the City Inspection Department.

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 withdraw Case No. 12586.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12615

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the frontage requirements

Case No. 12615 (continued)

from 60' to 50' to utilize existing platted lots located at 4430 South Union Avenue.

Presentation:

The applicant, Dennis Hall, was not present.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12615 to the June 30, 1983 meeting.

Case No. 12620

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the setback from 81st Street from 85' to 83' & 3" to allow a new dwelling located at the NE corner of 86th East Avenue and 81st Street.

Presentation:

The applicant, David Perkins, 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. 12620 to the June 30, 1983 meeting.

Case No. 12625

Action Requested:

Variance - Section 280 - Structure setback from abutting streets - Request for a variance of the setback requirements from 50' to 41' from the centerline of Southwest Boulevard to permit the erection of a pole sign located at 4070 SW Boulevard.

Presentation:

Casper Jones, 1302 South Fulton Avenue, represented Oliver Hibdon and submitted a drawing of the sign and the proposed location (Exhibit "A-1"). Mr. Hibdon who is building a restaurant on this site needs a variance of the setback requirements for the erection of a pole sign. Presently, there is a base where a previous service station sign was located. The applicant intends to use the existing base for the new sign.

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 -

Case No. 12625 (continued)

Structure Setback From Abutting Streets) of the setback requirements from 50' to 41' from the centerline of SW Blvd., to permit the erection of a pole sign, subject to the execution of a removal contract, on the following described property:

Lot 5, Block 45 Red Fork Addition to the City of Tulsa, Okla.

Case No. 12632

Action Requested:

Variance - Section 440.3 (b) & (c) - Special Exception Uses in the Residential Districts - Request for a variance of the frontage from 75' to 60' and from the 5,000 sq. ft. land area to allow a lot split; a Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the required 5' side yards to 0' side yards to allow a lot split located at the SE corner of 31st Street and South Rockford Avenue.

Presentation:

Bill Graham, attorney representing the applicant, Russ Wallace, 610 South Main Street, submitted a plat of survey (Exhibit "B-1"). Presently, on the subject site there are two duplex units which have been converted into single family units through the granting of the lot split. The applicant has contacted the City Water and Sewer Department, who requested that the units have separate meters.

Protestants: None.

Staff Comments:

Mr. Compton advised the lot split was approved by the Planning Commission yesterday.

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 440.3 (b and c) - Special Exception Uses in Residential Districts) of the frontage from 75' to 60' and from the 5,000 sq. ft. land area to allow a lot split (L-15816); and a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the required 5' side yards to 0' side yards to allow a lot split, per plat of survey, on the following described property:

Two tracts of land lying in a part of Lots 1 and 2, PEORIA ACRES ADDITION, an Addition to the City of Tulsa, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows, to wit: BEGINNING at the NE corner of said Lot 1; thence due West a distance of 86.06' to a point; thence South  $0^{\circ}-28'-45''$  East a distance of 94.55' to a point; thence South  $0^{\circ}00'-00''$  East a distance of 0.00' to a point; thence along a curve to the right with a central angle of  $43^{\circ}-28'-21''$  a radius of 33.00' a distance of 15.04' to a point; thence South  $43^{\circ}-29'-23''$  East a distance of 51.07' to a point; thence due East a distance of 62.06' to a point on the East line of said Lot 1, PEORIA

Case No. 12632 (continued)

ACRES; thence North  $0^{\circ}$ -48'-15" West a distance of 155.55' to the POINT of BEGINNING, LESS the North 15.00' thereof for street right-of-way; AND

Beginning at a point on the West line of said Lot 2, said point lying 127.55' South of the NW corner thereof; thence due East and parallel to the North line of said Lot 2 a distance of 71.78' to a point; thence along a curve to the left with a radius of 33.00' and a central angle of  $46^{\circ}$ -31'-39", a distance of 26.80' to a point; thence South  $43^{\circ}$ -29'-23" East a distance of 51.07' to a point; thence due East a distance of 62.06' to a point on the East line of said Lot 1; thence South  $0^{\circ}$ -48'-15" East along said East line a distance of 47.00' to a point; thence due West a distance of 191.81' to a point on the West line of said Lot 2; thence along a curve to the left with a radius of 435.00' and a central angle of  $1^{\circ}$ -58'-33" a distance of 15.01' to a point, said point being 187.55' South of the Northwest corner of said Lot 2; thence North  $0^{\circ}$ -28'-45" West along said West line of Lot 2 a distance of 60.00' to the POINT OF BEGINNING, LESS the West 5.00' thereof for street right-of-way.

UNFINISHED BUSINESS:

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 440 West 36th Street.

Presentation:

James McHenry, 4808 South Elwood Avenue, was present and submitted a plot plan (Exhibit "C-1"). There is presently one mobile home located on the subject tract which was approved by the Board in October 1982. The applicant now proposes to locate a second mobile home on the property which will be leased. Most of the lots in the area are 50' tracts, but the subject lot is 100' x 140' with 50' of frontage available per mobile home.

Protestants: None.

Board Comments:

Mr. Victor advised the applicant had not stated the hardship which is required in granting approval of the request. Mr. McHenry advised there is no hardship because the lot is of adequate size for both mobile homes.

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 Variance (Section 208 - One Single Family Dwelling Per Lot of Record to allow two dwellings (mobile homes) on one lot of record; and a Special Exception (Section 410 - Principal Uses Permitted in the Residential District) to allow mobile homes in an RS-3 District, on the following described property:

Case No. 12513 (continued)

Lot 1, Block 1, of Reservoir 4 & 5 Garden City, Tulsa County, Okla.

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 June 30, 1983 meeting.

Case No. 12592

Action Requested:

Variance - Section 620.2 (d) - Accessory Use Conditions - Request for a variance of the 32 sq. ft. of surface area for business signs to 300 sq. ft. located at the north side of Skelly Bypass, East of Harvard Avenue.

Presentation:

Mike Moydell, 1554 South 75th East Avenue, was present and requested that the variance be granted for a business sign approximately 40' high and 230 sq. ft. in size (display surface area) to be located at 51st Street and Harvard Avenue. The Planning Commission recently rezoned the subject property from CS zoning to OMH zoning. When the Board approved the Stratford Tower site they requested that the applicant come before this Board for review prior to the erection of a sign. The proposed sign exceeds the amount of surface area permitted in an OMH District. A drawing of the proposed sign was presented for the Board's review.

Protestants: None.

Discussion:

Dorothea Miller advised there is no height limitation in a CS District. Mr. Compton advised the zoning was changed to OMH to allow for increased floor area of the subject tract. The CS District permits .5 floor area ratio and OMH zoning permits 2.0 floor area ratio, which is four times greater floor area.

Board Action:

PURSER made a MOTION and VICTOR SECOND the motion to deny the application.

Discussion:

Discussion ensued among the Board members and it was expressed that an office type sign (32 sq. ft.) should be used for the intended purpose.

Case No. 12592 (continued)

Mr. Victor suggested that he would be supportive of a sign in excess of 32 sq. ft.

Dusty Yasen, an agent for the Stratford House Inn, stated the 32 sq. ft. sign would not be adequate for visibility purposes. Mrs. Purser was concerned that a large sign should not be permitted at this location as there are many residences surrounding the subject area. When the hotel was approved by the Board it was represented that a large sign would not be necessary. Mrs. Purser suggested that the sign be placed on the building which would allow for greater surface area. Mr. Yasen advised if a sign were placed on the building it would not be in harmony with the aesthetic value of the building.

Discussion ensued concerning the size of the sign which would be appropriate for the intended use. The Board stated that the 300 sq. ft. sign as proposed would be too large, but agreed to support a sign larger than 32 sq. ft.

Mr. Compton advised the Staff previously recommended approval of OMH zoning based on the fact that CS and OMH are both medium intensity and the area is developed as medium intensity. The request was to permit a greater floor area for larger rooms within the hotel, which is consistent with the Comprehensive Plan. Mr. Wait suggested that the applicant be permitted 100 sq. ft. of sign on the building, but not on top of the building. The Board agreed the 100 sq. ft. sign would be appropriate for the structure.

Mrs. Purser withdrew her 1st motion for denial.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-1-0 (Chappelle, Purser, Victor, Wait, "aye"; Smith, "nay"; no "abstentions"; none, "absent") to approve a Variance (Section 620.2 (d) - Accessory Use Conditions) of the 32 sq. ft. of surface area for business signs to no larger than 100 sq. ft. located on the building and not above the roof line and to return to the Board with the proposed designed sign for approval, on the following described property:

Beginning 66.67' South of the NW corner of the W/2, SE/4, SW/4, SW/4; thence South 150' to a point North of the Right-of-Way of Skelly Bypass; thence East along the Right-of-Way 150'; thence North 150'; thence West 150' to the point of beginning in Section 28, Township 19 North, Range 13 East, containing .516 acre, City of Tulsa, Oklahoma.

Case No. 12607

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the side yard setback from 5' to 1' to allow an addition to an existing residence located at 2022 North Maybelle Avenue.

Presentation:

The applicant, Steve Curlee, was not present.

Case No. 12607 (continued)

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. 12607 to the June 30, 1983 meeting.

NEW APPLICATIONS:

Case No. 12611

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the setback from the abutting R District to the west from 10' to 2' and a request for a variance of the setback from the centerline of Archer Street from 55' to 50' in order to permit an addition to an existing convenience store; and a Variance - Section 1213.4 - Off-Street Parking and Loading Requirements - Request for a variance of the required parking spaces from 12 spaces to 8 spaces located at the SW corner of Archer Street and Quannah Avenue.

Presentation:

Roy Johnsen, 324 Main Mall, attorney representing Quik Trip Corporation, submitted a site plan (Exhibit "D-1"). The Board approved the construction of a convenience store at the subject location in 1971. At that time a site plan was presented which depicted a tract of land 102' north and south. The subject property now contains 152' north and south. The convenience store was to be constructed 2' from the west boundary line instead of the required 10'. The building was approved and constructed and later an additional 50' to the south was acquired. The applicant now plans to extend the building 13' to the south for storage purposes.

Mr. Johnsen advised twelve (12) parking spaces are required on the subject property. Each corner of the store has a gas island over which is a canopy. The question which the Board must answer is, if the space underneath the canopies qualified for off-street parking spaces. Mr. Johnsen felt that the spaces would qualify for the required number of spaces as it meets the definition of parking according to the Zoning Code.

Protestants: None.

Comments:

Mrs. Purser advised she would prefer that the Board make the determination that the canopy spaces not qualify for parking, however, there seems reason to grant the variance.

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 730 - Bulk and Area Requirements in Commercial Districts) of the setback from the abutting R District to the west from 10' to 2' and a variance of

Case No. 12611 (continued)

the setback from the centerline of Archer Street from 55' to 50' in order to permit an addition to the existing convenience store; and a Variance (Section 1213.4 - Off-Street Parking and Loading Requirements) of the required parking spaces from 12 spaces to 8 spaces, per plot plan submitted, on the following described property:

Lot 1 and the N/2 of Lot 2, Block 16, Owen Park Amended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12616

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1213 - Section 440.2 - Request to allow a home occupation (beauty shop) in an RS-3 District located at 4619 East 24th Street.

Presentation:

Gail Bickel, 4619 East 24th Street, was present and requested permission to operate a beauty shop in her residence. Ms. Bickel previously received approval for a beauty shop at her residence at 2180 South Urbana Avenue and just recently moved to her new residence. The applicant will be the only operator at the beauty shop, which would not permit more than three or four customers coming to the residence at any one time. A long double car driveway at the subject property would accommodate the customers coming to the shop. Ms. Bickel has been conducting the business at her new residence for approximately three weeks prior to this hearing.

Protestants:

Attorney Jerry Lee, 2727 East 21st Street, represented several property owners in the neighborhood and submitted a protest petition bearing approximately 34 signatures (Exhibit "E-1"). The protestants question the number of chairs being used in the operation and the number of cars on the property at any one time. Many of the protestants had reason to believe that there was more than one operator at the South Urbana residence. Mr. Lee advised if the application is approved, property values would decrease and additional traffic would increase. The protestants felt the operation is in violation of the restrictive covenants and are opposed to the application.

There were 9 protestants present in opposition to the proposal.

Bob Harden, 4629 East 24th Street, advised a large sign is located in the applicant's rear yard and was fearful that the sign would be placed on the property for advertising purposes. He also stated that the applicant's driveway would not accommodate four patrons at one time.

Applicant's Rebuttal:

Ms. Bickel advised the sign in her back yard was transported to her new residence when she moved and does not intend to use the sign for advertising. There is only one station set up in the house for a single operator. She advised that her house is being remodeled and additional cars have been located at her residence recently.



Case No. 12616 (continued)

Comments and Questions:

Mrs. Purser inquired as to the hours of operation and Ms. Bickel advised she only works 2 1/2 days a week from 8:00 a.m. to 7:00 p.m.

Chairman Smith expressed his concern that the applicant proceeded with the business at the new residence without this Board's approval as the applicant had recently appeared before the Board with the same request. The Board felt the neighborhood was strongly opposed to the application which created a great concern.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1213 and Section 440.2) to allow a home occupation (beauty shop) in an RS-3 District, on the following described property:

Lot 9, Block 17, Ridgeview Extended Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12617

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Request for a use variance to allow a kennel in an RM-1 District. (Applicant wishes to maintain five existing dogs, no commercial activity) located at 127 North Birmingham Place.

Presentation:

Blanch Estep, 127 North Birmingham Place, requested permission to maintain her five existing dogs at her residence for security purposes. Mrs. Estep owns an adult Springer Spaniel who has four offspring which the applicant was unable to give away. All of the dogs are female and all have been spayed. The applicant does not intend to operate a kennel, but merely wishes to maintain her existing dogs because she lives in an unsafe neighborhood.

Protestants:

Violet Utley, 120 North Columbia Avenue, was present in protest to the application and stated that the dogs have disturbed her late at night and requested that the application be denied. She advised there are many dogs in the area.

Interested Party:

A letter from Ann Stiver, 7406 East 4th Street, was submitted supporting the application (Exhibit "F-1").

Applicant's Rebuttal:

Ms. Estep advised her dogs have been kept in the garage during the winter and have not disturbed her during the winter and felt sure they had not been a disturbance to others. She advised she works hard in keeping her dogs quiet and maintaining a well-kept yard.

Case No. 12617 (continued)

Board Action:

On MOTION of WAIT 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 410 - Principal Uses Permitted in the Residential Districts) to maintain the five existing dogs in an RM-1 District, and when the dogs are reduced by attrition the number of dogs should never exceed three (3) and subject to no commercial activity permitted, on the following described property:

Lot 19, Block 5, Reddin Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12618

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Section 440.7 - Request to allow Bates Elementary School to be utilized by Oklahoma College of Business and Technology, Inc., as a junior college located at 4821 South 72nd East Avenue.

Presentation:

Mrs. Nobel Manion, 835 South Knoxville Avenue, president of the Advisory Board of Regents for the Oklahoma College of Business and Technology, requested that this Board allow Bates Elementary School be utilized for the college. Mrs. Manion advised the Board concerning the history of the school.

David Stephenson, president of the Oklahoma College of Business and Technology, reviewed briefly various aspects of the College. A plot plan was presented to the Board for their reviewing of the proposal. The addition of Bates Elementary School will provide many improvements to the College and will prove to be a great asset to the community. Approximately \$5,000 will be spent on re-landscaping the 72nd Street area and the 3800 sq. ft. modern library, which will be a community asset, as well as for the college. Mr. Stephenson requested that the application be approved.

Protestants: None.

Comments and Questions:

Chairman Smith was concerned with the adequacy of the parking area and Mr. Stephenson advised the original parking lot provided spaces for 125 cars, but the school intends to add 100 additional parking spaces which would exceed the square-footage requirement. The parking lot will be illuminated as it is a part of the parking structure itself.

The Board inquired if any additional buildings will be constructed and Mr. Stephenson answered in the negative. Chairman Smith advised if there are any new structures, the applicant would be required to receive this Board's approval. Mr. Chappelle requested that a plot plan be submitted.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-1 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; Purser, "abstaining";

Case No. 12618 (continued)

none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1206 and Section 440.7) to allow Bates Elementary School to be utilized by Oklahoma College of Business and Technology, Inc., as a junior college, per plot plan, including 100 additional parking spaces as represented and subject to the applicant returning to the Board if and when any expansion is proposed, on the following described property:

Lot 1, Block 11, Park Plaza Seventh Amended, A Resubdivision of Blocks 1 through 11 Inclusive, Park Plaza Seventh, an Addition to the City of Tulsa, Tulsa County, Oklahoma, and part of the NE/4 of the SW/4 of Section 26, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 12619

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1209 - Section 440.6 - Request to locate a mobile home in an RS-1 District located at the NW corner of 13th Street and 173rd East Avenue.

Presentation:

Chere Ellard, 11724 South 85th East Avenue, was present and requested permission to locate a mobile home on the 2 1/2 acre subject tract. Ms. Ellard advised there are two other mobile homes in the surrounding area.

Protestants:

Mrs. Carl Turner, 1213 South 173rd East Avenue, submitted a map of the subject area indicating the residences in the area (Exhibit "G-1"); seven (7) photographs corresponding with the indicated locations on the map (Exhibit "G-2") and a protest petition bearing approximately 21 signatures of surrounding neighbors (Exhibit "G-3").

Mrs. Turner referred to Section 1680.3 of the Zoning Code and advised if the application is approved it would be injurious to the neighborhood and detrimental to the public welfare. On May 24, 1983, Mrs. Turner contacted the Health Department concerning this matter and was informed that the perk test on the subject tract had failed and a lagoon system would be the only possible means of sewage disposal on the tract. On May 19, 1983, a request was made for mobile homes and lagoon systems on AG zoned property and the City Commission denied that application.

Carolyn Fellers, 1121 South 173rd East Avenue, was present in protest to the application. She advised she and her family have invested a lot of time and money in cleaning up the property and upgrading the area. Mrs. Fellers was opposed to permitting more mobile homes in the surrounding area as it would decrease property values. She was also concerned with the sewage disposal for the property.

Discussion:

Discussion ensued concerning a previously approved mobile home located at 12th Street and 173rd East Avenue. That mobile home was approved at the March 24, 1983 meeting for a one-year time period. Dorotha Miller

Case No. 12619 (continued)

advised the Building Inspector investigated one mobile home in the immediate area granted to Mr. Stacy Bevans, 17212 East 19th Street, by the Board of Adjustment which does meet the sewage requirement. She also advised Case No. 12267 was approved by the Board on December 2, 1982, and the Health Department approved the septic system on the property and the City Commission approved their bond. The Board was concerned that Mr. Bevans is not complying with this Board's decision in that he is emptying into the septic system rather than the creek.

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 Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the Provisions of Use Unit 1209 and Section 440.6) to locate a mobile home in an RS-1 District, on the following described property:

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

Case No. 12621

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the rear setback from 20' to 9' & 6" in order to construct a new residence located at 2702 South 137th East Avenue.

Presentation:

Raymond Liu, 2326 South Garnett Road, Suite E, was present and submitted a plot plan (Exhibit "H-1"). Mr. Liu, the architect for the property owner, advised the proposed residence will contain approximately 1,500 sq. ft. and will be constructed of brick veneer. There are two hardships involved in this case. There are two large trees located on the property which the owner wishes to preserve and would require a variance of the Zoning Code to do so. The proposed location is a corner lot and is irregular in shape which places a hardship on the applicant in meeting the setback from 137th East Avenue and East 27th Street South.

Protestants: None.

Interested Party:

Kathy Lopp, 2705 South 136th East Place, was present and inquired if the proposed construction would be a permanent residence and Mr. Liu answered in the affirmative. Ms. Lopp stated she had no concerns with the variance request, but was merely an interested party.

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 430 - Bulk and Area Requirements in the Residential Districts) of the rear setback from 20' to 9' & 6" in order to construct a new residence, per plot plan, on the following described property:

Lot 2, Block 3 Eastland Acres Extended Addition, Tulsa County, Okla.

Case No. 12622

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Section 740.2 - Request to permit a car wash in a CS District located on the southeast corner of 61st Street and Sheridan Road.

Presentation:

John Kelly was present on behalf of Texaco, Inc., P. O. Box 2420, and advised the applicant proposes to construct an 18' x 41' car wash on the subject property. The car wash structure will be similar to the facility located at 61st Street and Yale Avenue. The drive-thru facility will extend north and south on the east side of the property behind the existing service station.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-1 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; none, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the Provisions of Use Unit 1217 and Section 740.2) to permit a one bay car wash in a CS District, on the following described property:

Lot 1, Block 1, Gravatt-Tabor Center Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12623

Action Requested:

Variance - Section 310 - Principal Uses Permitted in the Agriculture Districts - Use Unit 1217 - Request to allow an existing auto restoration business (been there seven years) in an AG District; and a Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Request for a variance of the minimum lot area from two acres to 1.66 acre, located at the SE corner on 81st Street and Peoria Avenue.

Presentation:

Ed Whitehead, 8101 South Peoria Avenue, was present and submitted fourteen (14) photographs of the subject property (Exhibit "I-1"). Mr. Whitehead requested the variance to allow an existing auto restoration business and a variance of the lot area so he may continue the business which has been in existence for the past seven years. An individual using a fictitious name and address submitted a complaint concerning the operation and since that time, the applicant has ceased the operation of his business awaiting the outcome of this Board's decision. The applicant restores antique and classic automobiles and will not operate a salvage business. There is only one residence in the surrounding area approximately one-half mile from the subject property.

Protestants: None.

Comments and Questions:

Mrs. Purser inquired as to the number of automobiles stored on the subject property and Mr. Whitehead advised he would have no more

Case No. 12623 (continued)

than ten (10) automobiles on the property at any one time. Mrs. Purser asked the applicant if all the cars would stay inside the fence located on the property and Mr. Whitehead answered in the affirmative.

The Board inquired if there are any other employees at the subject location and Mr. Whitehead advised his son works at the subject location and some part-time employees in a specialized area work in the business. The Board also inquired as to the construction of the building and the applicant advised the structure will be a metal building with rocks covering the metal to match the construction of the house.

Mrs. Purser suggested that approval be limited to a specific time period as she thought the operation might hinder development surrounding the area. The rest of the Board did not share the same concern.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-1-0 (Chappelle, Smith, Victor, Wait, "aye"; Purser, "nay"; no "abstentions"; none, "absent") to approve a Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Use Unit 1217) to allow an existing auto restoration business in an AG District, subject to the number of automobiles located on the subject property not exceed the total of ten (10) cars, all work is to be conducted behind the screening fence; no dismantling, salvage operation or part sales to be conducted from this location, and limiting the sign to 6 sq. ft. in size, and to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District) of the minimum lot area from two acres to 1.66 acre, on the following described property:

A tract of land in Lot 2, Section 18, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma, beginning at the NW corner of Section 18; thence South along the West section line a distance of 446.00'; thence East a distance of 285.40'; thence on a bearing line North 29°-09'-16" West along the West Bank of the Arkansas River a distance of 265.27'; thence on a bearing line North 14°-06'-00" West along the West Bank of the Arkansas River a distance of 221.00'; thence West a distance of 101.40' to the point of beginning, containing 1.66 acre, more or less Tulsa, Tulsa County, Oklahoma.

Case No. 12624

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Section 740.2 - Request to allow a (Use Unit 17) auto repair and auto sales in a CS District located at 9140 East 11th Street.

Presentation:

Arthur Crabb, 2749 South 94th East Avenue, was present and requested permission to continue the auto repair and auto sales use on the subject property. Mr. Crabb who purchased the subject property in September 1982, leases the property and was advised by his tenant that the City Protective Inspections Department requested that the operation cease until this Board makes a determination concerning the use. The primary use is auto sales with some auto repair work.

Case No. 12624 (continued)

Protestants: None.

Questions and Comments:

Chairman Smith inquired as to the parking provided on the property and Mr. Crabb advised he just recently graveled the designated parking area. The Board advised the applicant that a dust proof surface must be used rather than graveling the lot.

Mrs. Purser inquired as to the number of automobiles located on the property for the business and Mr. Crabb was unsure as to the number of cars located on the tract as he just leases this property to another individual. He stated he had never seen more than ten (10) automobiles on the property at any one time.

Mrs. Purser suggested that the application be continued for a two-week period to allow the operator of the business to be present and submit a plot plan at that time. Discussion ensued as to limiting the number of automobiles to a maximum of fifteen (15) and if the operator needs further relief he should come back to this Board.

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 710 - Principal Uses Permitted in the Commercial District - Under the Provisions of Use Unit 1217 and Section 740.2) to allow a (Use Unit 17) auto sales and repair in a CS District with the following conditions: 1) the number of cars being parked on the lot is to be limited to 15 to include those in front of the residence; 2) all cars are required to be parked on all-weather dust-free surface; 3) any lighting should be directed inward; 4) all work on the automobiles shall be conducted inside the building; 5) no outside storage of parts and the business is only to be used for auto sales and auto repair and not in a salvage operation, on the following described property:

The South 145' of the North 210' of the West 140' of the E/2 of the NE/4 of the NE/4 of the NW/4 of the NE/4 of Section 12, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Case No. 12626

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Section 440.7 - Request to allow Church use in an RS-3 District; and a Variance - Section 1205.3 a(1) - Use Conditions - Request for a variance of the one-acre minimum; and a Variance - Section 1340 - Design Standards for Off-Street Parking Areas - Request to allow a gravel parking lot located at 6808 South Elwood Avenue.

Presentation:

V. S. Pleasant, 6802 South Houston Avenue, represented the Church at the subject location and requested permission to build a room addition to the church building. He also requested that a variance of the hard

Case No. 12626 (continued)

surface parking requirement be granted to permit a gravel parking lot for five (5) years.

Protestants: None.

Comments and Questions:

Mrs. Miller advised that the applicant made application for a Building Permit, but the Permit was turned down awaiting this Board's decision. The Church has been in existence at the subject location since 1955, but documentation was not submitted and does not fit within a nonconforming use. The Building Permit was not turned down because it was not a nonconforming use, but the applicant needs approval of the variances and special exception prior to the issuance of the permit. The Church presently has a gravel parking lot. The Church is not expanding the sanctuary space so additional parking spaces are not needed.

Mr. Victor inquired as to the size of the sanctuary and Mr. Pleasant advised the size of the sanctuary is approximately 24' x 40' which would require 25 parking spaces. The Board inquired as to the number of parking spaces presently on the property and the applicant advised there are 50 or 60 parking spaces provided on the lot.

Mrs. Miller advised that if this Board approves the application she would not require the paved parking lot on the Building Permit unless this Board advised otherwise. Discussion ensued as to the amount of time in which the applicant should comply with the paving requirements. Mr. Pleasant advised the houses on Elwood running north and south of the church building do not have paved driveways, but rather gravel driveways. It was suggested that the Church be granted the 5-year variance of the paved parking lot and if further relief is needed this Board's approval would be required.

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 Provisions of Use Unit 1205 and Section 440.7) to allow Church use in an RS-3 District; and a Variance (Section 1205.3 a(1) - Use Conditions) of the one-acre minimum; and a Variance (Section 1340 - Design Standards for Off-Street Parking Areas) to allow a gravel parking lot for a period of five (5) years, on the following described property:

A part of the NE/4 of the SE/4 of Section 2, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, described as follows, to wit: Beginning at the SE corner of said NE/4 of the SE/4 of Section 2, Township 18 North, Range 12 East; thence Westerly along the Southerly boundary of said NE/4 of the SE/4 a distance of 208.7' to a point; thence Northerly and parallel to the Easterly boundary of Section 2, a distance of 208.7' to a point on the Easterly and parallel to the Southerly boundary of said NE/4 of the SE/4 a distance of 208.7' to a point on the Easterly boundary of said Section 2; thence Southerly along the Easterly boundary of Section 2, a distance of 208.7' to the point of beginning, and containing 1.0 acre, more or less.



Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1209 - Section 440.6 - Request to locate a mobile home in an RS-2 District located west of the SW corner of 135th East Avenue and 4th Place.

Presentation:

Cherrie Baker, 5519 East Marshall Street, was present and requested permission to place a mobile home on the subject property. Ms. Baker intends to add onto the mobile home at the front and add siding, a new roof and place the home on a foundation making it as a permanent home. Two photographs of the mobile home (Exhibit "J-1") and a drawing of the mobile home when completed (Exhibit "J-2") were submitted to the Board.

Bob Knight, 715 South 127th East Avenue, Ms. Baker's father, was present and advised he would be supervising the work to make the mobile home a permanent residence.

Protestants:

Scott Pittman, 13202 East 5th Street, was present and advised the Board of the restrictive covenants for this subdivision which prohibits any temporary buildings or previously constructed buildings to be placed in the subject area. Chairman Smith explained that this Board cannot deal with private matters such as restrictive covenants. Mr. Pittman advised he owns some property in the immediate area where he intends to build a \$100,000 house. If the mobile home is permitted in this area it will decrease property values.

Leota Mears, 13502 East 4th Street, represented three property owners in the subject area who are in protest to the request being granted. She was concerned that property values would decrease if the mobile home is permitted. She advised there is no City water, sewage or gas in the immediate area.

Melba Peebles, 4732 South Evanston Place, spoke on behalf of Ray Desmukes, 6840 Fantasy Lane, Rt. 16, and requested that the application be denied. She advised there are many beautiful homes in the area which would decrease in value if the application were granted.

There were three (3) protest letters submitted from property owners in the surrounding area (Exhibit "J-3").

Applicant's Rebuttal:

Ms. Baker advised on the top of the hill is an eyesore which would greatly affect the property values more than her mobile home. She advised she did not plan to decrease property values because her house would be permanent.

Board Action:

On MOTION of PURSER and SECOND by WAIT, 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 District - Under Provisions of Use Unit 1209 and Section 440.6) to locate a mobile home in an RS-2 District, on the following described property:

Case No. 12627

Lot 2, Block 9, Meadowbrook Heights Addition to Tulsa County, Oklahoma.

Case No. 12628

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the minimum frontage requirements from 150' to 145' of frontage in a CS District located north of the NE corner of 91st Street and Lewis Avenue.

Presentation:

Paul Kauskey, 7041 South Utica Avenue, was present and represented Robert Tolomes, and presented a drawing of the lot. The applicant is requesting a variance of the frontage requirements from 150' to 145'.

Protestants: None.

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 approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the minimum frontage requirements from 150' to 145' of frontage in a CS District, on the following described property:

Section 17, Township 18 North, Range 13 East; North 145' of the South 395.2' of the S/2 of the W/2 of the W/2 of the SE/4 of the SW/4 and the North 145' of the South 395.2' of the E/2 of the E/2 of the E/2 of the SW/4 of the SW/4; ALL lying East of Jenks Highway Section, containing 1.20 acreage, in Tulsa County, Oklahoma.

Case No. 12629

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1207 - Section 440.3 - Request for duplex use in an RS-3 District located at the SW corner of 42nd Street and Detroit Avenue.

Presentation:

George Hanks, 2723 West 68th Street, was present and requested permission to erect a duplex in an RS-3 District. The subject tract contains 12,671 sq. ft. and meets all of the requirements for construction of a duplex in this area. Mr. Hanks presented a drawing of the proposed use. Within 300' of the subject area there are four (4) existing duplexes and one approved proposed duplex site.

Protestants: None.

Discussion:

The Board discussed various aspects of the property such as the density per acre in an RS-3 District and the frontage requirements. Mr. Jones stated the Staff and Protective Inspection Department expressed their concern that the application was not properly advertised. The Zoning Code requires 75' of frontage in an RS-3 District for a duplex and the

Case No. 12629 (continued)

applicant has only provided 30' of frontage. The Staff is also concerned because a similar request for two duplexes appeared before the Board previously and the Board denied that application. The Staff is concerned that the use may exceed the density allowed in the subject area.

The Board suggested that the case be continued to allow for readvertisement and to permit the Board members to view the site.

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 continue Case No. 12629 to the June 30, 1983 meeting to allow for readvertisement and to permit the Board time to view the site.

Case No. 12630

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the maximum structure height from 35' to 41' for the purpose of constructing condominiums on the subject property located at the SW corner of 66th Place and South Peoria Avenue.

Presentation:

Philip Eller, attorney representing U. S. Home Corporation and Homecraft Land Development, Inc., was present and submitted four (4) photographs of the subject property and surrounding land (Exhibit "K-1") and an elevation drawing of the proposed project (Exhibit "K-2"). The subject property is owned by Homecraft Land Development Inc.; and U. S. Home Corporation proposes to construct condominiums on the property, which exceeds the maximum structure height restriction. The tract is zoned RM-2, contains 7.6 acres and fronts on South Peoria Avenue and East 66th Place. Mr. Eller advised there are many extra ordinary and unique characteristics existing on the subject property and if the variance is not granted a hardship will be in existence. The property abutting the subject property on the north and south contains structures exceeding the height limitation. One photograph submitted depicts a structure in the immediate area in excess of 70' in height. The elevation drawings show the structure if the variance is approved and if the variance is denied.

If the height variance is not permitted in constructing the condominium project a flat roof will be placed on the structures which are difficult to maintain and drainage will be a greater problem. The flat roof would not be compatible with the surrounding structures and not as aesthetically pleasing as the pitched roof design. The variance will not create additional habitable space, but will provide for a pitched roof. The proposed building has been designed to harmonize and be compatible with other projects in the area.

Protestants: None.

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

6.2.83:388(19)

Case No. 12630 (continued)

"abstentions"; none, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the maximum structure height from 35' to 41' for the purpose of constructing condominiums per drawings submitted, on the following described property:

Lot 1, Block 1, Raintree II Addition, a Subdivision that is part of Lot 7, Section 1, Township 18 North, Range 12 East, City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Case No. 12631

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a Variance of the floor ratio from 50% to 57% in a CS District; and a request for a variance of the setback from an abutting R District from 36.66' to 0'; and a request for a variance of the setback from the expressway from 25' to 18'; and a request for a variance of the setback from the centerline of Nogales Avenue from 50' to 35'; and a request for a variance from the centerline of 3rd Street from 100' to 88'; and a Variance - Section 1320(d) - General Requirements - Request to allow required off-street parking on a lot other than lot of use; and a Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1211 - Section 440.8 - Request to allow office use in an RM-2 District and Use Unit 1210 - Request for off-street parking in an RM-2 District; and a Special Exception - Section 1211.3 - Use Conditions - Section 250.3 (d) - Modification of the Screening Wall or Fence - Request to move screening fence to north of parking located at 221 South Nogales Avenue.

Presentation:

Randolph Stainer, 320 South Boston Avenue, Suite 1018, was present and submitted a site plan (Exhibit "L-1") and drawings consisting of the elevation and floor plans (Exhibit "L-2"). The subject property consists of three (3) small irregular vacant lots which were originally 50' x 150' size lots. The three lots now provide 150' of frontage on Nogales and approximately 36' of frontage on Charles Page Boulevard or 3rd Street. The property is rectangular in shape and currently vacant. The lot directly to the north (Lot 5) is currently zoned RM-2 and contains a surety office. The lots to the west, across Nogales Avenue and the lot south of the subject property are vacant. The lot to the southwest contains a residence. The applicant is seeking several variances dealing with setbacks and special exceptions concerning parking and screening requirements. The applicant is requesting variances in each direction to place the 30' x 50' two-story office building on the property. The office building, located on the north lot line of Lot 7, will face on Nogales and requires a 12' variance on the south and 15' variance on Nogales. The office structure will be located on the north lot line of Lot 7, which will allow a 0' setback abutting an R District. An exception to the screening fence is also being requested on the property.

There is sufficient parking in order to meet all requirements of off-street parking if the applicant is permitted to park on the adjacent RM property. The office building will be used as a law office for Mr. Stainer, the applicant.

Case No. 12631 (continued)

Interested Party:

Juanita Walker, 216 South Nogales, represented many of the property owners on Nogales who are in support of the application. If the application is approved, the property values in the immediate area will increase and could lead to further improvement in the area.

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 430 - Bulk and Area Requirements in the Residential Districts) of the floor ratio from 50% to 57% in a CS District and a variance of the setback from an abutting R District from 36.66' to 0'; and a variance of the setback from the expressway from 25' to 18' and a variance of the setback from the centerline of Nogales Avenue from 50' to 35' and a variance from the centerline of 3rd Street from 100' to 88'; and a Variance (Section 1320 (d)-General Requirements) to allow required off-street parking on a lot other than the lot of use; and a Special Exception (Section 410 - Principal Uses Permitted in the Residential District - Under the Provisions of Use Unit 1211 and Section 440.8) to allow office use in an RM-2 District and Use Unit 1210) to permit off-street parking in an RM-2 District; and a Special Exception (Section 1211.3 - Use Conditions - Under the Provisions of Section 250.3 (d) - Modification of the Screening Wall or Fence) to move the screening fence to the north of parking, per drawings submitted, on the following described property:

Lots 6, 7 and 8, Block 1, Crosbie Heights Addition to the City of Tulsa, Oklahoma.

Case No. 12633

Action Requested:

Variance - Section 1320 (d) - General Requirements - Request to permit parking other than on lot of use; and a Special Exception - Section 250.3 (b) - Modification of Screening Wall or Fence Requirements - Use Unit 1211 - Request for modification of screening wall or fence requirements; and a Variance - Section 1450 (o) & (a) - Structural Nonconformities - Request to expand structure to line up with existing nonconforming west wall; and a Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request for a variance of the setback from an abutting R District from 10' to 5' to line up with an existing structure located at 316 South Sheridan Road.

Presentation:

Louis Levy, attorney representing Drs.' Hospital 2323 South Harvard Avenue, was present and submitted a plot plan (Exhibit "M-1"). The subject property, 316 South Sheridan consists of two lots which are zoned OL, which have been used by Dr. Hugh Nicholas for twenty years. Doctors' Hospital recently purchased the property from Dr. Nicholas to be used for a new doctor who will be practicing with Dr. Nicholas. Dr. Nicholas, who has approximately 1,500 patients intends to retire in five years and intends to transfer his patients to Dr. Farish. The Hospital has purchased the property to assure that it will be used for medical office purpose. The existing office will only house one physician and the applicant proposes to expand the facility by adding 970 sq. ft. to the north, on Lot 16, making a total of 2,600 sq. ft. There is nothing on

Case No. 12633 (continued)

Lot 16 with the exception of grass and a parking lot. There are presently 19 parking spaces provided and only 11 spaces are required by law. Three of the 19 parking spaces will be reserved for the handicapped. A 5' concrete ramp will be provided leading to the parking lot.

The applicant is requesting a modification of the screening wall requirement for 3" waiver to permit the existing 5' & 9" fence. A five-foot variance is also being sought in order to line up with the existing structure. There is a 6-foot hedge existing on a portion of the property which will be maintained. A variance of the parking requirements to permit parking other than the lot of the use is also requested.

Protestants: None.

Interested Party:

Mary Cottingham, 302 South Sheridan Road, advised she and many of the neighbors are in support of 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 1320 (d) - General Requirements) to permit parking other than on the lot of use; and a Special Exception (Section 250.3 (b) - Modification of Screening Wall or Fence Requirements - Under the Provisions of Use Unit 1211) for a modification of the screening wall requirements; and a Variance (Section 1450 (o) & (a) - Structural Nonconformities) to expand structure to line up with existing nonconforming west wall; and a Variance (Section 630 - Bulk and Area Requirements in the Office Districts) of the setback from an abutting R District from 10' to 5' to line up with an existing structure, per plans submitted, on the following described property:

Lots 16 and 17, Block 1, Sheridan Heights, an Addition to the City of Tulsa, Oklahoma.

Case No. 12634

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1202 - Section 340 - Request to operate a City garage, equipment storage, material storage, vehicle storage and administration office in an AG District located south and east of 56th Street and Garnett Road.

Presentation:

Monte Hannon, 2317 South Jackson Avenue, represented the City Water and Sewer Department and advised the Department proposes to construct a satellite maintenance facility at 5600 South Garnett Road. A plot plan was submitted (Exhibit "N-1"). The new facility will headquarter the maintenance operation on the east and southeast portion of the City. The proposed use will be compatible with the surrounding area as there are many other maintenance facilities in the immediate area.

Protestants: None.

Case No. 12634 (continued)

Comments:

The Board felt the use would be very compatible with 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 approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Use Unit 1202 and Section 340) to operate a City garage, equipment storage, material storage, vehicle storage and administration office in an AG District, per plot plan submitted, on the following described property:

The N/2 of the NW/4 of the SW/4 and the N/2 of the S/2 of the NW/4 of the SW/4 of Section 32, Township 19 North, Range 14 East, City of Tulsa, Tulsa County, LESS the North 600' of the West 742' of the N/2 of the NW/4 of the SW/4.

Case No. 12635

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance from the centerline of Trenton Avenue from 50' to 25' for addition of an enclosed porch located at the NE corner of Trenton Avenue and 33rd Street.

Presentation:

Bill Sanders, 1605 East 33rd Street, was present and submitted a plot plan (Exhibit "O-1"). Mr. Sanders advised he has an existing cement patio with a tin roof which he proposes to enclose. The residence is located on the corner of 33rd Street and Trenton across from Zinc Park. The enclosure of the porch will alleviate some of the debris brought in from the Park.

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) from the centerline of Trenton Avenue from 50' to 25' for addition of an enclosed porch, per plot plan, on the following described property:

Lot 5, Block 3, Park Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12636

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Section 740 - Request to allow a Use Unit 17 (used car sales) in a CS District located at the NW corner of 25th Place and Sheridan Road.

Case No. 12636 (continued)

Presentation:

Kenneth Tate, 3350 South Memorial Drive, was present and submitted a plot plan (Exhibit "P-1") and a list of conditions applicable for the request as proposed (Exhibit "P-2"). Mr. Tate requested permission to operate a used car retail operation at the subject property and discussed the various aspects included in the list. Mr. Tate advised the Board of the hours of operation, fencing, lighting and access to the property. There will never be more than 30 vehicles for sale on the property at any one time.

Protestants: None.

Discussion:

Mr. Wait inquired as to the proposed sign for the intended use and the Board advised the applicant must return to the Board concerning the sign and the location of the sign.

Discussion ensued concerning the amount of parking spaces required on the sales lot and it was determined that the applicant would be permitted approximately 50 parking spaces according to the Code. Mr. Tate again advised the Board there would never be more than 30 cars parked at the subject property at any one time.

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 710 - Principal Uses Permitted in the Commercial Districts - Under the Provisions of Use Unit 1217 and Section 740) to allow used car sales (Use Unit 17) in a CS District, subject to the following conditions: 1) the hours of operation be limited from 9:00 a.m. to 7:00 p.m., Mondays through Saturdays; 2) the lot density will be maintained at or below levels prescribed by the City Code; 3) a pipe fence 26" above ground level will be erected for security purposes with gates on both entrances and the gates will be locked after hours; 4) the wood fence will be moved to the west property line; 5) a wooden fence will be erected on the north property line with sufficient offset to permit weed control; 6) lighting shall be directed inward; 7) no access from the service road to the north shall be permitted; and 8) no more than thirty (30) cars shall be placed on the lot at any one time, on the following described property:

Lot 1 and the East 22' of Lot 2 ALL in Block 1, Bicking Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 12552

Action Requested:

Review of Plans for Case No. 12552.

Presentation:

Tom Kivell, attorney representing Trans Auto, Inc., 5028 South Yale Avenue, submitted a plot plan (Exhibit "Q-1") and advised that the



Case No. 12552 (continued)

Board approved the application on April 21, 1983, subject to the applicant returning to the Board on May 19, 1983, with an amended legal description and a plot plan. The applicant was also required to remove the temporary 10' x 20' building within 30 days of the approval. On May 19 the applicant requested the matter be continued to this hearing.

The applicant desires the Board to review the plans to allow the issuance of a building permit to remodel the existing car wash structure located on the subject property. The temporary building will be removed within 10 days or 2 weeks. Mr. Kivell advised the restroom facilities have been completely refurbished and access to the sewer main has been approved. The applicant has also dedicated a 10' strip of land at the intersection to allow widening of Yale Avenue if the City so requires in the future. The T.A.C. and TMAPC have approved the use and the applicant has received a plat waiver on the property.

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 approve the plans submitted.

The meeting adjourned at 5:30 p.m.

Date Approved JUNE 30, 1983

  
Chairman