

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 391
Thursday, July 14, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Purser Smith	Victor Wait	Gardner Jones Kedzie Martin	Hubbard, Protective Inspections Jackere, Legal Dept. (out at 1:45 p.m.) Linker, Legal Dept. (in at 1:45 p.m.)

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, July 12, 1983, at 11:30 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 1:05 p.m.

MINUTES:

Since the Board did not have adequate time in which to read the Minutes this item was passed to the next meeting.

STRIKEN CASES:

The Staff suggested that Case Numbers 12547 and 12651 be stricken from the agenda because each matter has been continued numerous times and the applicant has not been present.

The Chairman, without objection, struck Case Numbers 12547 and 12651 from the agenda.

Case No. 12646

Ms. Hubbard, Protective Inspections, advised the structure under consideration has been removed. The Staff suggested since the building has been removed there is nothing to act upon and suggested the Board strike the case without prejudice.

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to strike Case No. 12646 without prejudice.

UNFINISHED BUSINESS:

Case No. 12379

Action Requested:

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

Case No. 12379 (continued)

Presentation:

Chairman Smith advised a letter was submitted by Franklyn Casey, the applicant, requesting that the case be continued as there is litigation pending on this matter (Exhibit "A-1"). A previous decision of the Board was appealed to the District Court and the trial is scheduled for August 10, 1983.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to continue Case No. 12379 to the August 25, 1983 meeting.

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, a variance of the livability space and a request for 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 - Request to allow 4 dwellings on two lots of record located west of the NW corner of East 36th Place and New Haven Avenue.

Presentation:

The applicant representing Dimension Properties, Inc., was not present to address the Board.

The Staff suggested that the application be continued to the August 11, 1983 meeting because the applicant is awaiting City Commission action on a PUD and zoning application.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to continue Case No. 12570 to the August 11, 1983 meeting.

Case No. 12657

Action Requested:

Variance - Section 420.2 (a) 2 - Accessory Use Conditions - Request to allow a detached accessory building (3-car garage) in the front yard, garage to be attached to the house with covered portico - Under the Provisions of Section 1670, located at 4310 South Victor Avenue.

Presentation:

Densel Williams, 4845 South Sheridan Road, was present and submitted a plot plan (Exhibit "B-1"). The applicant proposes to completely remodel the existing Y-shaped residence and add space to the house

for a drive-thru portico attached to the garage. A photograph was presented to the Board showing a similar residence and garage. Mr. Williams advised an extensive amount of landscaping and a circular drive would be added.

Protestants:

Fred Donnelly, 4335 South Victor Avenue, stated that the five contiguous home owners held a meeting to discuss the plan as proposed and requested that the Board consider their thoughts. A letter was submitted from Mr. Donnelly expressing their concerns for adequate drainage (Exhibit "B-2"). Although the zoning restrictions have expired in this subdivision, the character of the Bolewood Subdivision would be enhanced by maintaining proper setback restrictions. The neighborhood was also concerned with the detached garage as they are unique in the area.

The surrounding property owners did not feel the encroachment from the west side should be permitted, but felt that an architectural revision could be made.

Carl Larson, 4320 South Victor Avenue, expressed his concern with the drainage problems existent on the property and advised there is nothing to stop the water from coming from the hill. Mr. Larson was extremely concerned because his property would be greatly affected by the water runoff.

Comments and Questions:

Mrs. Purser inquired as to the hardship concerning the property and Mr. Williams stated if the garage was constructed as proposed or in the side yard the same problem would be in existence. The old garage would have to be removed in order to construct the new detached accessory building (3-car garage).

Ms. Hubbard, Protective Inspections, advised unless there is common living area under the roofline or a common party wall the garage structure would be considered detached.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 420.2 (a) 2 - Accessory Use Conditions) to allow a detached accessory building (3-car garage) in the front yard, garage to be attached to the house with covered portico - Under the Provisions of Section 1670, per plot plan and subject to approval of the drainage plans by the City Engineering Department, on the following described property:

Lot 1, Block 8, Bolewood Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the side yard setback from 5 feet to 4 feet - Under the Provisions of Section 1670, located at 547 South 80th East Avenue.

Presentation:

Terry Bridgewater, 547 South 80th East Avenue, submitted a plat of survey (Exhibit "C-1"); an artist rendering of the proposed addition (Exhibit "C-2" and a plot plan (Exhibit "C-3"). The application was continued from the previous hearing to allow the Board members time to view the site. Mr. Bridgewater advised he proposes to add a room addition to his existing residence which requires a variance of the side yard setback. The exterior siding material and roofing material for the proposed addition will be very similar to the residence. The roof of the addition will be a continuance of the existing roofline, but the angle of the roof will be changed slightly.

Protestants:

Larry Curtis, 541 South 80th East Avenue, was concerned that the proposed structure would not encroach onto his property causing a drainage problem.

Comments and Questions:

The Board felt the application had been changed considerably from the previous hearing because the proposed structure previously was an open garage structure, and as presently proposed the structure will be enclosed.

The Board was concerned with the metal sheds, trailers, and wood and rock collections in the applicant's back yard. Mr. Bridgewater advised the rock collection is part of his hobby. There are two trailers in the back yard which the restrictive covenants permits, or zoning restrictions permit. He advised he would be willing to construct a privacy fence around the mobile homes so as not to be objectionable to the neighborhood. Mr. Bridgewater also agreed to rid the property of one of the mobile homes and to clean the property up. Discussion ensued as to the amount of open space required (4,000 sq. ft.).

Ms. Hubbard, advised the trailer(s) are required to be placed on hard surfacing. She was concerned that adequate open space should be maintained.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent) to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the side yard setback from 5' to 4' - Under the Provisions of Section 1670, with the provision that the applicant will clean up the front yard as represented, with the new addition having guttering so as not to cause water drainage problems for neighboring properties, subject to one of the trailers being removed and to provide hard surface for the one trailer remaining, on the following described property:

Lot 8, Block 1, Vance Resubdivision of Lot 8, Block 1 and all of Block 12, Pamela Acres Addition, Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12663

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the side yard setback from 5 feet to 0 feet; request for a variance of lot width from 60 feet to 49.29 feet and 43.93 feet; and a request for a variance of lot area from 6,900 square feet to approximately 5,100 and 5,400 square feet to permit a lot split - Under the Provisions of Section 1670, located on the north side of East 73rd Street South, East of South Sheridan Rd.

Presentation:

Charles Hanson, attorney representing W. M. Mortenson, 1201 Fourth National Bank Building, advised two separate individuals own the subject property and desire to split the estate for purposes of separate ownership. A copy of the Declaration of Covenants and Restrictions were submitted for the Board's review (Exhibit "D-1") which was filed of record in the County Clerk's office. A plat of survey was also submitted (Exhibit "D-2").

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts) of the side yard setback from 5 feet to 0 feet; and a variance of the lot width from 60 feet to 49.29 feet and 43.93 feet; and a variance of the lot area from 6,900 square feet to approximately 5,100 and 5,400 square feet to permit a lot split (L-15834) - Under the Provisions of Section 1670, on the following described property:

Lot 7, Block 4, Kirkdale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12682

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1209 - Request for an exception to allow a mobile home in an RS-3 District - Under the Provisions of Section 1680, located at 424 West 68th Street.

Presentation:

Michael Shaw, 424 West 68th Street, submitted photographs of surrounding properties and the proposed mobile home (Exhibit "E-1"); a petition in support of the application, bearing nine (9) signatures of immediate property owners (Exhibit "E-2") and a plat of survey (Exhibit "E-3"). The applicant has requested the special exception be granted to allow a mobile home on the property for approximately one year while a permanent residence is being constructed. The immediate neighbors have been notified of the request and have voiced no objection.

Protestants: None.

Case No. 12682 (continued)

Interested Party:

Vaden Roberts, 523 West 68th Place, was curious if the mobile home would be for permanent or temporary use. Chairman Smith advised the Board could only grant a one-year approval at this time.

Comments:

Ms. Hubbard, Protective Inspections, explained to the applicant that there could never be two dwellings on the subject property at any one time.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District - Under the Provisions of Use Unit 1209) to allow a mobile home in an RS-3 District - Under the Provisions of Section 1680, for a one-year time period, removal bond required, on the following described property:

The Westerly 300' of the S/2 of the SE/4 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, LESS the Northerly 30 feet thereof, for street purposes and the S/2 of the SE/4 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, LESS and EXCEPT the Westerly 300 feet thereof, and LESS and EXCEPT the Northerly 30 feet thereof, and LESS and EXCEPT the Easterly 50 feet thereof, and LESS and EXCEPT the Westerly 158.70 feet of the Easterly 208.78 feet of the Southerly 208.78 feet thereof.

Case No. 12684

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Request for a variance of the 25-foot setback requirement on the side street on the corner lots to 15 feet - Under the Provisions of Section 1670, located 1/4 mile North of East 91st Street at the 1/2 mile line.

Presentation:

Jack Cox, 1323 South Baltimore Avenue, represented HM II Development Corporation and submitted a plat of survey (Exhibit "F-1"). A variance of the 25' setback requirement is being requested for four lots in this subdivision. If the variance is not granted the applicant will loose the lots and the price of the lots for the buyer will increase.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area

Case No. 12684 (continued)

Requirements in the Residential Districts) of the 25' setback requirement on the side street on the corner lots to 15 feet - Under the Provisions of Section 1670, per plat of survey, and further provided that the house face the greater setback, on the following described property:

Beginning at a point on the North line of the S/2, N/2, SW/4 of Section 16, Township 18 North, Range 13 East of the Indian Base and Meridian, according to the U. S. Government Survey thereof in the City of Tulsa, Tulsa County, Oklahoma, said point lying 1,923.00 feet East of the Northwest corner thereof; thence North 89°-53'-46" East along said North line a distance of 718.56 feet to the Northeast corner of said S/2, N/2, SW/4; thence South 00°-07'-35" East along the East line thereof a distance of 659.45 feet to the Southeast corner thereof; thence South 89°-53'-46" West along the South line thereof a distance of 9.8.54 feet to a point lying 1,724.47 feet East of the Southwest corner of said N/2, S/2, SW/4; thence North 22°-55'-56" East a distance of 196.77 feet to a point; thence North 25°-47'-52" East a distance of 228.50 feet to a point; thence North 13°-24'-18" East a distance of 104.14 feet to a point; thence North 01°-51'-18" East a distance of 109.00 feet to a point; thence North 04°-47'-35" West a distance of 62.84 feet to the point of Beginning, containing 11.9071 acres, more or less.

Case No. 12688

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the setback requirement from East 28th Street South from 50' to 40' - Under the Provisions of Section 1670, located at 2808 South 138th East Ave.

Presentation:

C. Dale Treat, 3619 South 124th East Avenue, submitted a plot plan (Exhibit "G-1") and a floor plan (Exhibit "G-2") and requested that the variance be granted.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Under the Provisions of Use Unit 1206) of the setback requirement from East 28th Street South from 50' to 40' - Under the Provisions of Section 1670, per plot plan, on the following described property:

Lot 2, Block 5, Eastland Acres II Addition, Tulsa County, Okla.

Case No. 12694

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request for a variance of the front set-back requirement from East 48th Street from 35 feet to 30 feet in an RS-1 zoned district - Under the Provisions of Section 1670, located at 2122 East 48th Street.

Presentation:

The applicant, John Woolman, was not present.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to continue Case No. 12694 to the July 28, 1983 meeting.

Case No. 12707

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request for a variance of the 10-foot side yard requirement to 8.6 feet in an RM-1 zoned district - Under the Provisions of Section 1670, located at the SW corner of East 62nd Street South and Quebec Avenue.

Presentation:

Ron Perciful represented Janene Buck, 3747 South Harvard Avenue, and submitted a plot plan (Exhibit "H-1").

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Use Unit 1206) of the 10-foot side yard requirement to 8.6 feet in an RM-1 zoned district - Under the Provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 6, Block 2, Livingston Park South Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 12678

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1206 - Section 740 - Request for single-family use in a CS zoned district (house is existing) - Under the Provisions of Section 1680; and a Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request for a variance of required 5-foot side yard

Case No. 12678 (continued)

requirement to 0 feet - Under the Provisions of Section 1670; and a Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1206 - Request for a variance of required 10-foot setback from abutting R Districts to 0 feet - Under the Provisions of Section 1670; and a Variance - Section 1213.3 (b) - Use Conditions for Convenience Goods and Services - Use Unit 1206 - Request for a variance to waive the screening requirement from abutting R District - Under the Provisions of Section 1670, located at 4030 West Edison Street.

Presentation:

James Campbell, 4030 West Edison Street, advised an addition to his existing residence is proposed which requires approval of the variances and special exception stated above. A plot plan was submitted for the Board's review (Exhibit "I-1").

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the Provisions of Use Unit 1206 and Section 740) for single-family use in a CS zoned district (house is existing) - Under the Provisions of Section 1680; and a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Use Unit 1206) of the required 5' side yard requirement to 0' - Under the Provisions of Section 1670; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Use Unit 1206) of required 10' setback from abutting R Districts to 0' - Under the Provisions of Section 1670; and a Variance (Section 1213.3 (b) - Use Conditions for Convenience Goods and Services - Under the Provisions of Use Unit 1206) to waive the screening requirement from abutting R District - Under the Provisions of Section 1670, per plot plan, on the following described property:

The West 165.5' of a tract beginning 165.2' East of the NW corner of Lot 2, Section 4, Township 19 North, Range 12 East; thence South 338.95'; thence East 165.55'; thence South 73.03'; thence East 331.2'; thence North 415.1'; thence West 499.7' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12679

Action Requested:

Special Exception - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request for an exception of the floor area ratio (maximum) of .40 to .46 - Under the Provisions of Section 1680; and a Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request for a variance of the building height from 1-story to 2 stories - Under the Provisions of Section 1670; and a Special Exception - Section 1320 (d) - General Requirements for Off-Street Parking and Off-Street Loading - Request for an exception to allow off-street parking on a lot not containing the use for which the required spaces are to be provided - Under the Provisions of Section 1680, located at 2776 South Memorial Drive.

7.14.83:391(9)

Presentation:

— Joe Hague, 131 East 116th Place, Jenks, Oklahoma, 74037, represented Millie Ballard and submitted an exhibit consisting of plot plan, floor plan and elevation plans (Exhibit "J-1"). Mr. Hague, the builder for the applicant, advised a variance of the building height is requested to allow a two-story structure on the property which is currently zoned OL. A tie contract has been initiated on the property tying lots two and three together so as to become one lot which could not be sold separately. Tying the two lots together also alleviates the parking problem and the square-footage requirement.

Millie Ballard, 2776 South Memorial Drive, owner of the subject property, advised the subject property will be landscaped to beautify the City as the property is located next to the expressway.

Protestants: None.

Comments and Questions:

Chairman Smith inquired as to the hardship concerning the proposed two-story structure. Mr. Hague advised due to the configuration of the lot, the two-story structure would better meet the needs of the applicant. The applicant also intended to keep the one lot open without any construction, but only to be used for parking purposes and to keep the structure off the two lots. The Board did not feel the two-story structure would be consistent with the residential zoned property abutting the subject tract.

Mr. Gardner advised the Zoning Code is being amended to allow .3 floor area ratio in an OL District which might be appropriate for this matter.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Special Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Under the Provisions of Use Unit 1211) of the floor area ratio to a maximum of .3 with the condition that the two (2) lots together should not exceed the .3 floor area ratio; and to DENY a Variance (Section 630 - Bulk and Area Requirements in the Office Districts) of the building height from 1-story to 2 stories - Under the Provisions of Section 1670; and to approve a Special Exception (Section 1320 (d) - General Requirements for Off-Street Parking and Off-Street Loading) to allow off-street parking on a lot not containing the use for which the required spaces are to be provided - Under the Provisions of Section 1680, subject to the execution of a tie contract being filed with the County Clerk's Office, on the following described property:

Lots 2 and 3, Block 29, Bowman Acres 4th Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12683

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Request for an exception to allow motel use in an IL zoned district - Under the Provisions of Section 1680; and a Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the 25-foot setback requirement for 58th Street to 5' as 58th Street is actually 2' wide with deep drainage ditches - Under the Provisions of Section 1670; and a Variance - Section 1221 - Business Signs and Outdoor Advertising - Request for a variance to allow future motel to share the applicants' double sign pylons for joint free-standing signs. This sign would be an off-premise sign for the motel and the motel would waive any additional free-standing on-premise signs - Under the Provisions of Section 1670, located at the SE corner of 49th West Avenue and West 58th Street.

Presentation:

Due to a conflict of interest, Chairman Smith advised the applicant the case would be continued to the next scheduled meeting, July 28, 1983 because any action requires three affirmative votes and only 2 Board members could act on this matter.

Lee Counsellour, the applicant, requested that the variance concerning Business Signs and Outdoor Advertising be amended to permit a 75' sign. The applicant was advised to contact the Staff in the morning to allow for proper readvertisement.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 2-1-0 (Chappelle, Purser, "aye"; no "nays"; Smith, "abstaining"; Victor, Wait, "absent") to continue Case No. 12683 to the July 28, 1983 meeting.

Case No. 12685

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to allow automobile and allied activities in a CS zoned district - Under the Provisions of Section 1680; and a Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of frontage requirements from 150' to lots of 60' and 90' to permit a lot-split - Under the Provisions of Section 1670, located at 12545 E. 21st Street.

Presentation:

Manouchehr Vakilzadeh, 10319 East 23rd Place, was present and advised there are presently 2 buildings on the subject property. The applicant intends to sell the west 90' of the tract to an individual who is presently using that portion for used car sales. The east 60' of the lot presently contains a repair shop. A lot-split is being requested and permission to use the west 90' of the lot for used car sales (Use Unit 17).

Protestants: None.

Case No. 12685 (continued)

Interested Party:

Ned Dorris stated he lives in the immediate area and expressed his support of the application stating that the use has upgraded the neighborhood.

Comments:

Chairman Smith was concerned that a solid screening fence be installed. Mr. Vakilzadeh advised there is presently a chain link fence on the property, but agreed to install a solid screening fence.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the Provisions of Use Unit 1217) to sell automobiles in a CS zoned district - Under the Provisions of Section 1680; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the frontage requirements from 150' to lots of 60' and 90' to permit a lot-split (L-15857) - Under the Provisions of Section 1670, subject to limiting the west 90' for automobile sales only, that a solid screening fence (constructed of wood or concrete block) be erected on the lot separating the subject lot from the residential area on the west, and that no salvage operation or inoperable cars be permitted, on the following described property:

Lot 1, Block 1, Shannon Park Plaza Addition, Tulsa County, Okla.

Case No. 12686

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the rear yard setback from 25' to 19' in an RS-2 zoned district on an existing residence - Under the Provisions of Section 1670, located at 3433 East 58th Street.

Presentation:

George Baird, 901 Woodland Drive, Sand Springs, Oklahoma, represented the owner of the property and submitted a plot plan (Exhibit "K-1"). The owner, Elmer Hozie, proposes to construct a two-room addition to the existing residence which requires a variance of the rear yard setback from 25' to 19'. Mr. Hozie has talked to the adjacent neighbors concerning the addition and they have voiced no objections.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Under the Provisions of Use Unit 1206) of the rear yard setback from 25' to 19' in an RS-2 zoned district on an existing residence - Under the Provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 14, Block 7, Lou North Woodland Acres 5th Addition, City of
Tulsa, Tulsa County, Oklahoma. 7.14.83:391(12)

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1206 - Request for an exception to allow a single-family dwelling in an OL zoned district - Under the Provisions of Section 1680; and a Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request for an exception to allow a single-family dwelling in a CS zoned district - Under the Provisions of Section 1680; and a Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request for a variance of the setback requirement from abutting R Districts from 10 feet to 0 feet, and a variance of the frontage requirement from 50' to 15' in an OL zoned district to permit a lot-split - Under the Provisions of Section 1670, located at the SW corner of Latimer Court and Greenwood Avenue.

Presentation:

Donald Bybee, 707 South Houston Avenue, representing TURA informed the Board that the subject property is presently zoned OL, CH and RM-1. The property is being developed into a single-family residential area and the applicant's intention is to rezone the property to RS-3. The applicant proposes to split the four 50' lots into three lots and place a single-family dwelling on each of the three lots.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Special Exception (Section 610 - Principal Uses Permitted in Office Districts - Under the Provisions of Use Unit 1206) to allow a single-family dwelling in an OL zoned district - Under the Provisions of Section 1680; and a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to allow a single-family dwelling in a CS zoned district - Under the Provisions of Section 1680; and a Variance (Section 630 - Bulk and Area Requirements in the Office Districts) of the setback requirement from abutting R Districts from 10' to 0', and a variance of the frontage requirement from 50' to 15' in an OL zoned district to permit a lot-split (L-15854) - Under the Provisions of Section 1670, on the following described property:

Lots 3 and 4, Greenwood Addition, City of Tulsa, Tulsa County, Okla.

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the setback requirement from the centerline of South Victor Avenue to an existing structure from 60' to 44', and for a variance of the setback requirement from the centerline of South Victor Avenue from 60' to 52.7' to permit a new addition - Under the Provisions of Section 1670, located at the SE corner of 43rd Street and South Victor Avenue.

Presentation:

Ken Klein, 4641 South Braden, was present and requested that the variance be granted as an addition is being added on to the existing residence which will line up with that structure. The relief is being

Case No. 12691 (continued)

sought on South Victor rather than 43rd Street. A plot plan was submitted (Exhibit "L-1").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Under the Provisions of Use Unit 1206) of the setback requirement from the centerline of South Victor Avenue to an existing structure from 60' to 44', and a variance of the setback requirement from the centerline of South Victor Avenue from 60' to 52.7' to permit a new addition - Under the Provisions of Section 1670, per plot plan, on the following described property:

All that part of Lot 7, Block 6, of Bolewood Acres, an Addition to the City of Tulsa, Oklahoma, according to the official recorded plat thereof; LESS the following described tract of land to wit: BEGINNING at the Northeast corner of said Lot 7; thence South 5°-22'-05" East along the East boundary of said Lot 7 a distance of 277.90 feet to the Southeast corner of said Lot 7; thence North 80°-08'-12" West along the South boundary of said Lot 7 a distance of 309.13 feet; thence North 1°-38'-11" East a distance of 115.22 feet; thence North 9°-06'-48" East a distance of 125.00 feet to a point in the North boundary of said Lot 7; thence South 74°-10'-23" East a distance of 0.00 feet; thence Easterly on a curve to the left having a radius of 624.82 feet a distance of 257.92 feet to the point of beginning.

Case No. 12692

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception for Automobile and Allied Activities (auto sales and services) in a CS zoned district - Under the Provisions of Section 1680, located at 3908 West Edison Street.

Presentation:

Floyd Rice, 3908 West Edison Avenue, requested permission to operate a used car sales in the existing structure on the subject property.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the Provisions of Use Unit 1217) for automobile sales in a CS zoned district - Under the Provisions of Section 1680, on the following described property:

A rectangular tract of land extending 125' East and West and 100' North and South free and clear of all highway right-of-ways and

Case No. 12692 (continued)

more particularly described as follows, to wit: Beginning at a point 514.9' East of the Northwest corner of Lot 2, Section 4, Township 19 North, Range 12 East; thence East and parallel along the South right-of-way line of West Edison Avenue for a distance of 125' to a point where the South right-of-way line of West Edison Avenue intersects the West right-of-way line of 39th West Avenue; thence South along and parallel with the West right-of-way line of 39th West Avenue for a distance of 100'; thence West and parallel to the South right-of-way line of West Edison Avenue for a distance of 125'; thence North and parallel to the West right-of-way line of 39th West Avenue for a distance of 100' to the point of beginning. Said land being in Tulsa County, State of Oklahoma.

Case No. 12695

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1205 - Request for an exception for Community Services, Cultural and Recreational (proposed day care center in Wiley Post Elementary School) in an RS-3 zoned district - Under the Provisions of Section 1680, located at 5424 North Madison Avenue.

Presentation:

Due to a conflict of interest on the part of one Board member the matter could not be acted upon because any action calls for three affirmative votes and there were only three members present.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to continue Case No. 12695 to the July 28, 1983 meeting.

Case No. 12696

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1208 - Request for a variance of structure height from 35 feet to 41 feet, 10½ inches in an RM-1 zoned District - Under the Provisions of Section 1670, located at the SE corner of 81st Street South and Yale Avenue.

Presentation:

Fred Chadsey, 4600 South Garnett Road, Suite 300, was present and submitted a site plan (Exhibit "M-1"). The proposed apartment project will consist of three-story structures with an overall height of 41' and 10½" due to the pitched roof. The parking provided for the project will be dispersed in the area to preserve a balanced appearance. The applicant will continue the terrain in an uphill direction and the adjacent property owners on the east and west will view the facility as one-story in height due to the slope of the property.

Protestants: None.

Case No. 12696 (continued)

Comments:

Mr. Gardner suggested that the approval be limited specifically to the 3-story structures with the height not to exceed 41' and 10½".

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Under the Provisions of Use Unit 1208) of structure height from 35' to 41' and 10½" in an RM-1 zoned district - Under the Provisions of Section 1670, that the buildings be limited to three (3) stories in height, per site plan, on the following described property:

Lot 1, Block 1, Blake Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12697

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1208 - Request for an exception for multifamily dwelling and similar uses (proposal for four-plex) in an RS-3 zoned district - Under the Provisions of Section 1670, located at 2642 North St. Louis Avenue.

Presentation:

Due to a conflict of interest on the part of one Board member the matter could not be acted upon because any action calls for three affirmative votes and there were only three members present.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to continue Case No. 12697 to the July 28, 1983 meeting.

Case No. 12698

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception for automobile and allied activities (vehicle repair and service) in a CS zoned district - Under the Provisions of Section 1680; and a Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1223 - Request for an exception for warehousing and wholesaling (truck rentals - Jartran) in a CS zoned district - Under the Provisions of Section 1680, located at 1820 South Garnett Road.

Presentation:

E. O. Sumner, 8173 East 31st Place, represented Ronald Parish and submitted three photographs (Exhibit "N-1"); a plot plan (Exhibit "N-2") and a foundation plan (Exhibit "N-3").

Case No. 12698 (continued)

Mr. Sumner advised the subject property was previously used as a car wash. Mr. Parish, the applicant, proposes to use the property for an automobile repair and service business. The business would be very beneficial to the people in the surrounding area because there is a need for such facility. The applicant intends to utilize the existing foundation and expand the size as shown on the plans.

Protestants: None.

Comments and Questions:

The Board inquired as to the hours of operation and Mr. Sumner advised the business would operate between the hours of 8:00 a.m. and 6:00 p.m. The Board also asked if a screening fence would be installed and it was stated the subject property presently contains a screening fence.

Mr. Gardner advised the Use Unit 23 (truck rentals - Jartran) is classified as a variance and Use Unit 17 (Automobile and Allied Activities) is considered a special exception and both are being requested. Mrs. Purser stated she had no concern with the use, but suggested the west 27' of the property be restricted in the use. Mr. Sumner was in agreement to that condition.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the Provisions of Use Unit 1217) vehicle repair and service in a CS zoned district - Under the Provisions of Section 1680; and a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Under the Provisions of Use Unit 1223) for truck rentals in a CS zoned district - Under the Provisions of Section 1680, that the approval be granted on all the property, less and except the west 27', and that there be no doors on the east and west end of the building as reflected in the plans, on the following described property:

The North 101.31' of the West 150' and the West 70' of the South 124' of Lot 2, Block 1, Cherokee Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12699

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the setback from the center-line of abutting streets from 25' to 0' - Under the Provisions of Section 1670, located at 7105 East Admiral Place.

Presentation:

Tim Edmondson, project engineer for the Dyer Construction Company, 5224 South Lawton Avenue, appeared before the Board in behalf of the Clarence L. Boyd Company. The Clarence L. Boyd Company, 7105 East Admiral Place, is a construction equipment sales and service business which would like to expand its service capabilities. This expansion would require an addition to the north end of their existing building to house the new equipment. Originally, the C. L.

Case No. 12699 (continued)

Boyd Company property extended to Archer Street which ran east and west at the north end of their property. The north-half of the property was zoned CS and the south-half was zoned CH. When the Crosstown Expressway was built, most of the north-half of the property was acquired by the state for right-of-way. The construction of the expressway and the service road has created an unusual shape for this property and thereby has created a hardship on the property by restricting expansion capabilities. The applicant submitted a site plan (Exhibit "0-1") and photographs (Exhibit "0-2") of the subject property.

Protestants: None.

Comments:

The applicant informed the Board that the owner of the subject property needed as much space as possible. He also stated that the access road is about 16 feet from the property line--there is a concrete ditch between the subject property and the road.

Mr. Gardner informed the Board that if the extension was built right up to the property line, the applicant would have to maintain the building through a fence.

The applicant stated that the building at one point is 16 feet from the fence--he wants to add as much of the 16 feet as possible at this point. Mr. Edmondson stated that it would be possible to maintain the building, even if the fence had to be rolled back and then replaced.

Chairman Smith stated that many times the Highway Department will install a fence one-foot inside on their property, so it might be wise for the applicant to have the land surveyed so he would be sure not to cross the property line.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the setback from the center-line of abutting streets from 25' to 0' - Under the Provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 2 of Polston Subdivision Amended, Less than and except the following: Beginning at the NW corner of said Lot 2; thence South 187.75 feet; thence Southeast 380.51 feet; thence North 305.29 feet; thence West 361.9 feet to the point of beginning and Less the South 30 feet of Lot 2 for right-of-way.

Case No. 12700

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request for an exception for community services, cultural, and recreation to allow a childrens day care center in an existing school in an RS-3 zoned district - Under the Provisions of Section 1680, located at the SE

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Case No. 12700 (continued)

corner of 17th Street and Harvard Avenue.

Presentation:

Donald Robertson, Jr., 2601 East 5th Place, was present and informed the Board that he wanted to lease two rooms at Lanier Elementary School, an existing Tulsa public school, for operation of a day care center.

Protestants: None.

Comments and Questions:

Mrs. Purser asked if this was a Monday through Friday operation. The applicant indicated that it was a Monday through Friday operation and that they would be open from 7 a.m. until 6 p.m. and would be open all year. When Mrs. Purser asked the applicant on which street he would load the children, he said that they would not be loading on a street, but rather on the property. The school faces on the street east of Harvard. The number of children which can be kept in the two rooms on the subject property is 36.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential District - Under the Provisions of Use Unit 1205) for community services, cultural, and recreation to allow a childrens day care center in an existing school in an RS-3 zoned district - Under the Provisions of Section 1680, on the following described property:

The W/2 of the NW/4 of the SW/4 of the SW/4 of Section 9,
Township 19 North, Range 13 East, City of Tulsa, Tulsa County,
Oklahoma.

Case No. 12701

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1205 - Request for an exception for community, cultural, and recreational facilities (school offering a compulsory education curriculum) in an OL zoned district - Under the Provisions of Section 1680, located at 1810 East 15th Street.

Presentation:

Kenny Joe Smith, 502 West 6th Street, was present representing Dillion Family and Youth Services, Inc., which operates the Horizon Program. Presently, the applicant has a group home located at 1819 East 15th Street which is across the street from the subject property. They also have a group home located at 1574 South 79th East Avenue. The Horizon Program is operating a school at 2525 East 21st Street which is servicing both of the homes--it is the school where the children who live in the group homes go to school. The school is moving from the location on 21st Street to the location on 79th East Avenue. Until renovation at the 79th East Avenue is completed, the applicant is in need of a place to conduct the school--they have obtained a lease from the owner of the subject property to use that as a school for seven months

Case No. 12701 (continued)

as of July 15. There are 24 students at this time, and the maximum capacity for the school is 25 students. The ages of the students range from 6 to 14 years old. The curriculum offered at the school consists only of the three Rs. Most of the children have learning and emotional problems and have difficulty in functioning in the public school setting. The location at 1574 South 79th East Avenue will still be used as a group home, as well as a school after it has been renovated. Parking at the subject property will not be a problem--there are about 8 parking spaces, but the children will be brought in vans from the group homes and dropped off. There will be two instructors at the school. Additional parking could be utilized across the street from the subject property at the group home. The applicant would like to have the exception granted for a year. The construction at 79th East Avenue should take about 6 months--the school will move as soon as the location is ready.

Protestants:

John W. Mullen, Jr., from Mullen & Powell, Inc., Dallas, Texas, objects to permitting the school to be located at the subject property. A letter was sent to the Board stating his objection (Exhibit "P-1").

Mr. Gardner informed that when a person first reads the application, he does not know that it is temporary or what kind of school is proposed. The Staff had concerns of this nature as well--that it might be a permanent use and cause traffic problems. He advised the Board that a temporary period of time eliminates a lot of the fears.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Special Exception (Section 610 - Principal Uses Permitted in Office Districts - Under the Provisions of Use Units 1205) for a school offering a compulsory education curriculum in an OL zoned district - Under the Provisions of Section 1680, for a period of 10 months with the conditions that the enrollment be limited to 25 students and transportation be provided for the students to and from school, on the following described property:

The North 139' of Lot 12, Block 1, Terrace Park Addition to the City of Tulsa, Tulsa County, Ok., according to the recorded plat thereof, otherwise known as 1810 East 15th Street.

Case No. 12702

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request for a variance of the side yard requirement from 10 feet to 8.4 feet and 5.3 feet to allow an addition to an existing residence in an RM-2 zoned district - Under the Provisions of Section 1670, located at 1932 East Oklahoma Street.

Presentation:

Vincent Klonoski, 1932 East Oklahoma, was present and stated that he wanted to add 20 feet to the existing dwelling at the subject property coming 20 feet into his back yard.

Case No. 12702 (continued)

Protestants: None.

Comments:

Mr. Gardner informed the Board that the area is blanket zoned for apartments, but developed single-family, so 5-foot side yards would be sufficient for single-family.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Use Unit 1206) of the side yard requirement from 10 feet to 8.4 feet to allow an addition to an existing residence in an RM-2 zoned district - Under the Provisions of Section 1670, per plot plan, on the following described property:

Lot 3, Block 1, League Subdivision in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12703

Action Requested:

Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request for an exception for other trades and services (storage and office space for electrical contractors) in a CS zoned district - Under the Provisions of Section 1680, located at the SE corner of 107th East Avenue and 11th Street.

Presentation:

B. F. Kannady, 11364 East Independence Avenue, was present and was represented by Rodney Ray. The applicant proposes to construct a building on the subject property of approximately 18,000 square feet. The primary use of the building will be to house the Independent Electrical Contractors Association. The applicant would like to lease part of the space out to one of the contractors in the association. There will be no outside storage at the building.

Protestants: None.

Comments and Questions:

Mr. Smith asked if the area was subject to a plat, and the applicant indicated that he thought it had already been platted.

Mr. Gardner stated that the applicant has a Use Unit 15. He needs a special exception.

Mrs. Purser asked if the Board was thinking that there should not be any outside storage at this location. The Board agreed and the applicant indicated that they would not object to no outside storage.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve an Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) for storage and office space

Case No. 12703 (continued)

for electrical contractors in a CS zoned district - Under the Provisions of Section 1680, with the condition that there be no outside storage at all, on the following described property:

The W/2 of Lot 1, Mingo Valley Acreage, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, a tract of land approximately 150' x 260'.

Case No. 12705

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1206 - Request for a variance of the setback from abutting R districts from 75 feet to 1-foot in an IL zoned district - Under the Provisions of Section 1670, located East of the NE corner of 100th East Avenue and 61st Street.

Presentation:

Max Heidenrieck, 7002 South Birmingham Court, was present and requested this variance for the western property line of the subject property. The applicant submitted a plot plan (Exhibit "Q-1") of the subject property. There are single-family homes abutting the western property line of the subject property, but the property at the corner of 100th East Avenue and 61st Street is already zoned IL. The applicant's intention is to put office showroom complexes on the subject property--they will be built 1-foot from the property line and will have a cul-de-sac at the end of the streets. The applicant has also purchased an adjoining piece of property which will be tied in with the subject property--the second piece of property is already zoned IL.

Protestants:

Mrs. A. E. Brentlinger, 5933 South 100th East Avenue, came before the Board to speak for the residents in the immediate area of the subject property. Her home is adjacent to the subject property and she is very concerned about drainage problems which already exist in the area, because of a clay bed under the surface of the ground--she is afraid that if the variance is granted, their problems with drainage will increase. The houses in the area are on individual septic systems and the lateral fields of the adjacent land are just a few feet from the subject property. The septic systems are considered marginal because of the clay content of the soil. There are lateral fields in the immediate area that are unable to function properly because of the tight soil. Mrs. Brentlinger submitted photographs (Exhibit "Q-2"). There are no storm sewers or drainage facilities in the area, and the residents are concerned that the water drainoff from the asphalt on the subject property will be diverted to the surrounding properties. She informed the Board that the required setback would allow for some of the water to be absorbed.

Mrs. Brentlinger was also concerned that the home values would drop because of having a warehouse wall right next to the adjoining property. She requested that the required 75-foot setback remain.

Comments:

Mrs. Purser informed the Board that a letter from the Health Department (Exhibit "Q-3") shows concern for the people that live on 100th East Avenue because of their septic tanks.

Case No. 12705 (continued)

Mr. Smith said his company had done some work on this property for Century 21, so because of a conflict of interest he would have to abstain on this case, thus leaving the Board without a quorum.

The applicant informed the Board that he does have the capability of bringing a sewer to the property. He also told the Board how the water would be drained from the subject property.

Mr. Gardner said that the application should not be supported by the Board just because of the fact that someday the land might be industrial; he said that the plan would allow the property to be zoned industrial. It is still zoned residential.

Mrs. Brentlinger informed the Board that the applicant having a sewer would not solve the drainage problems the area residents are worried about.

Mrs. Purser suggested that the applicant bring back the firm hydrology plans if he has them. She stated that the case would have to be completely reheard.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to continue Case No. 12705 to the July 28, 1983 meeting due to a conflict of interest on the part of one of the Board members which left the Board without a quorum.

Case No. 12706

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Units 1214 - Request for an exception for Shopping Goods and Services (retail furniture sales) in an IL zoned district - Under the Provisions of Section 1680; and a Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1202 - Request for an exception for Area-Wide Special Exception Uses (tent sale of furniture) in an IL zoned district - Under the Provisions of Section 1680, located at 7050 East 41st Street.

Presentation:

Patrick King from Certified Furniture Rental, 7050 East 41st Street, was present. The current use of the subject property is a furniture rental business, and they want to be able to sell the used furniture to the public. The applicant would also like to have a 10-day tent sale, starting July 22, 1983.

Protestants: None.

Comments and Questions:

Mr. Gardner advised that the special exceptions need to be approved specifically for what the applicant is asking, as opposed to the entire use unit.

Board Action:

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

Case No. 12706 (continued)

Victor, Wait, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Use Unit 1214) for retail furniture sales in an IL zoning district - Under the Provisions of Section 1680; and a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Use Unit 1202) for a tent sale of furniture in an IL zoned district - Under the Provisions of Section 1680, with the provision that the use be limited to the furniture rental and retail sales and that the tent sale be limited to July 22 through August 1, 1983, on the following described property:

Lot 4, Block 1, East 41st Street Industrial Park Addition in the City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the Chair declared the meeting adjourned at 4:15 p.m.

Date Approved AUGUST 25, 1983


Chairman