

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 393
Thursday, August 11, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Smith, Chairman Victor Wait (in at 1:00 p.m. out at 4:30 p.m.)	Purser	Jones Kedzie Wiles	Hubbard, Protective Inspections Jackere, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, August 9, 1983, at 11:01 a.m., as well as in the Reception Area of the INCOG Offices.

After declaring a quorum present, Mr. Wait called the meeting to order at 12:02 p.m.

OTHER BUSINESS:

Case No. 12430

Action Requested:

Request for review of revised site plan.

Presentation:

Ward Hallenburg, 3201 East 69th Street, requests this review because his contractor said that the type of building he wanted was not put together the way it should have been. The applicant submitted a revised site plan (Exhibit "A-1"). The new plan is not for any more people than the old plan. They have plenty of property. The new plan increases the size of the building by about 700 feet. They are still within all the building and utility limits. The new site plan shows the building coming within three feet of the building line.

Protestants: None.

Comments and Questions:

The applicant asked if it would be alright to use stone on the building instead of brick, which was what was originally planned. The Board informed there would be no problem with this change.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the revised site plan.

UNFINISHED BUSINESS:

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 square feet to 3,775.5 square feet; 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, Dimension Properties, Inc., was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue Case No. 12570 to the August 25, 1983, meeting.

Case No. 12680

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1207 - Request for an exception to allow duplex dwellings in an RS-3 zoned District - Under the Provisions of Section 1680, located at the NE corner of Pine Street and Union Avenue.

Presentation:

Charles Norman, 909 Kennedy Building, represented T.P.O., Inc., which is the successor in interest to the Gilcrease Hills Development Company that has developed Gilcrease Hills over the past 15 years. Part of the subject property is located in an RM-1 zone. This is across the street from some older residential dwellings that have been there prior to the time of the Gilcrease Hills development. To the west of this is multi-family zoning. The property included in Gilcrease Hills Village II was platted in February, 1978. In the past 5 years, there have been no lot sales or construction of any single-family homes within any of the lots included in that subdivision. The applicant submitted 11 pictures (Exhibit "B-1") that indicate the relationship of the subject property to the surrounding neighborhood and showed the condition of the property. Gilcrease Hills Village II was fully developed--all the streets and underground utilities are in place. Several of the streets are being used as trash dumps.

The applicant's client owns all the lots within this plat of the Gilcrease Hills Project and is asking to have the option of duplex development, subject to the RS-3 exception standards for duplex dwellings. The lots in this subdivision do meet these standards.

The applicant indicated that he would like to amend the application to delete all of the lots in Block 25, Block 18, and Block 20. He feels

Case No. 12680 (continued)

that the natural drainageway and detention facility near the subject property form a natural separation of the uses in the area and could logically be used as a separation of duplex use from single-family dwellings to the north and east. This would leave 65 lots, 30 of which are within the RM-1 zoning district and 35 of which would need this special exception. The multi-family zoning district boundary is irregular and would not be the appropriate place to draw a division between single-family and duplex use. The applicant would like the exception granted in respect to Blocks 22, 23, and 24.

Protestants:

Steve Clark, the attorney for the Gilcrease Hills Homeowners Association, informed that the homeowners would like to get the area cleaned, but feel that duplexes are not necessarily the solution. He also stated that the application as amended is a totally different picture than was originally presented to the Association and would change the arguments to be offered by the Association. Mr. Clark requested that the Board allow a continuance to the next hearing date in order to prepare arguments or determine if they plan to present an argument to the application as amended.

Applicant's Rebuttal:

Mr. Norman had no objection to a continuance being granted.

Board Action:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 3-0-1 (Smith, Victor, Wait, "aye"; no "nays"; Chappelle, "abstaining"; Purser, "absent") to continue Case No. 12680 to the August 25, 1983, meeting.

Case No. 12681

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1211 - Request to allow a studio for teaching physical fitness in an RS-3 District - Under the Provisions of Section 1670; and a Variance - Section 1211.3 - Use Conditions - Request for a variance of the screening requirements - Under the Provisions of Section 1670, located west of the SW corner of 35th Street and Quincy Avenue.

Presentation:

Skilly Forsman, 2249 East 31st Place, was represented by Mr. Lewis. Mr. Lewis informed the case was continued previously for the purpose of allowing a special study to be conducted by the Staff in the Brookside neighborhood--this study is not complete, and it will be approximately 30 more days before it is completed. Mr. Lewis requested that the case be continued until the special study has been completed.

Protestants:

Carolyn Robertson, 1404 East 35th Street, informed the neighborhood has no desire to go for another continuance--they were told each side has one continuance. She informed the subject property would be inside the residential boundaries, even of the special study. The subject property is directly across from some residential areas, and if the property were allowed to become some other use, it would leave only one house on that side of the block which would be residential.

Case No. 12681 (continued)

Comments:

Mr. Jones informed the Special Study should be completed in about 30 days.

Mr. Victor stated that the purpose of the first continuance was to allow for the study and they could have continued it for two months the first time. He has no problem with granting a continuance.

Mr. Jackere advised that, although the Special Study might be in within 30 days, there should be a little leeway because it will have to go before the Planning Commission and the City Commission.

Mr. Jones advised that a 60-day continuance would be a good idea because that would allow for some action to have been taken on the Special Study by the City--either in favor of it or against it.

The applicant advised that if the study was not completed after 30 days, they could go ahead and hear the case without it.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 12681 to the October 6th, 1983, meeting.

Case No. 12690

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 lot width from 60' to two lots of 50' each, and a variance of livability space per dwelling unit from 4,000 square feet to 1,736 square feet approximately to permit a lot split - Under the Provisions of Section 1670, located at 1417-19 East 35th Street South.

Presentation:

Anita Beatt, 1334 East 34th Street, was present and wants to split the subject property.

Protestants:

Janice Steinkurshner, 1411 East 35th Street, lives on the west side of the block next to the subject property. She did not receive notice of the meeting. She informed the existing building on the subject property was at one time a triplex--it was supposed to be converted back to a duplex. She feels that the Board should be sure that the triplex has been converted back before the lot is split.

Applicant's Rebuttal:

The applicant informed they do not intend to build a duplex on the vacant lot. The triplex is legal because the property was converted before the zoning. The triplex sets on the east side of the property with a vacant lot on the west side. There is a driveway running between the two sections of the lot. The triplex has a three-car garage--it does not cause any off-street parking problems for the tenants. There are presently three tenants living in the triplex.

Case No. 12690 (continued)

Comments and Questions:

Mr. Victor asked what the applicant intended to do with the lots, and she informed they were trying to sell one lot. The proposed buyers may build a house on the lot sometime in the future, but are not planning to do so now.

The applicant informed most of the lots in the area are split to 50-foot fronts. Mr. Smith informed the Board had previously denied an application asking for duplex use on this property.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to deny a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Under the Provisions of Use Unit 1208) of lot width from 60 feet to two lots of 50 feet each, and a variance of livability space per dwelling unit from 4,000 square feet to 1,736 square feet approximately to permit a lot split (L-15860) - Under the Provisions of Section 1670, on the following described property:

Lot 3, Block 7, Olivers Addition, City of Tulsa, Oklahoma.

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 setback requirement from East 48th Street from 35' to 30' in an RS-1 zoned district - Under the Provisions of Section 1670, located at 2122 East 48th Street.

Presentation:

John Woolman, 2411 East Skelly Drive, submitted a plot plan (Exhibit "C-1"). The applicant plans to build a home on the subject property and would like to encroach over the front building line in order to allow as much distance as possible between his house and the neighboring house.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Use Unit 1206) of the front setback requirement from East 48th Street from 35' to 30' in an RS-1 zoned district - Under the Provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 6, Block 1, Bolewood Glen Addition, City of Tulsa, Oklahoma.

Case No. 12710

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1204 - Request for a variance of frontage from 150' to 0' to permit a lot split - Under the Provisions of Section 1670, located on the west side of South Union Avenue, north of 81st Street.

Presentation:

The applicant, Noel Ward, was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue Case No. 12710 to the August 25th, 1983, meeting.

Case No. 12716

Action Requested:

Variance - Section 920.1 - Accessory Uses Permitted in Industrial Districts - Use Unit 1217 - Request for a variance to permit a residence (living quarters for manager) - Under the Provisions of Section 1670; and a Variance - Section 1217.4 - Off-Street Parking and Loading Requirements - Request for a variance of the parking space requirement from 9 spaces to 6 spaces - Under the Provisions of Section 1670, located South of the SE corner of 58th Street and Mingo Road.

Presentation:

Max Heidenreich, 7002 South Birmingham Court, requests the first variance to permit living quarters on light industrial land used for mini-storage business, which would consist of a one-bedroom apartment and an office.

The applicant requests the second variance because he does not need 9 parking spaces since his business is a mini-storage business. The extra space would allow him to have some landscaping in the front of his business.

The applicant submitted a site plan (Exhibit "D-1").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-1 (Chappelle, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve a Variance (Section 920.1 - Accessory Uses Permitted in Industrial Districts - Under the Provisions of Use Unit 1217) to permit living quarters for a manager - Under the Provisions of Section 1670, and a Variance (Section 1217.4 - Off-Street Parking and Loading Requirements) of the parking space requirement from 9 spaces to 6 spaces - Under the Provisions of Section 1670, per site plan, on the following described property:

Case No. 12716 (continued)

The South 155.00' of the North 355.00' of the W/2 of Lot Four (4), in Section 31, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit:

Commencing at the Northwest corner of said U. S. Government Lot 4; thence South 0°-00'-06" West along the West line of said Lot 4 a distance of 200.00' to the POINT OF BEGINNING; thence South 89°-51'-19" East a distance of 610.99'; thence South 0°-01'-50" West along the East line of the W/2 of Lot 4 a distance of 155.00' to a point; said point being the NE corner of Lot 1, Block 1, Bloss Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence North 89°-51'-19" West along the North line of said Lot 1, Block 1, Bloss Addition a distance of 610.91' to a point on the West line of Lot 4, said point being 966.46' North of the SE corner of Section 31, Township 19 North, Range 14 East; thence North 0°-00'-06" East along the West line of Lot 4, Section 31, Township 19 North, Range 14 East, a distance of 155.00' to the POINT OF BEGINNING and containing 94,696.47 square feet, or 2.174 acres, more or less.

Case No. 12720

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1220 - Request for an exception for Commercial Recreation, Intensive, (automobile racetrack) Under the Provisions of Section 1680, located north of the NE corner of Pine Street and Mingo Road.

Presentation:

Ron Henderson, 1643 East 15th Street, would like to relocate the Tulsa Speedway from the fairgrounds to the former Flamingo Mobile Home Park. This area has become blighted since the floods in 1974 and 1976. Today the subject property is used as a dump ground. Some of the land in the area can be salvaged by cut and fill operations, but this is not the case on the subject property. The subject property is completely uncorrectable floodplain. The Airport Master Plan calls for a runway to run to the very edge of the subject property--this site will be one of the noisiest sites in Tulsa, regardless of the race track. This runway is projected for the 1990's. The businesses in Wolf Point are supportive of the applicant's plans as are some of the property owners who would like to have the area cleaned up.

Stan Durrett, Tulsa Speedway, Tulsa Fairgrounds, is the owner of the Tulsa Speedway. He presented a set of sound rules and testing procedures which are used at the racetrack to the Board for them to take a look at and accept (Exhibit "E-1"). The rules are strict and do work. Mr. Durrett submitted a letter from Mrs. Smallwood, who lives adjacent to the subject property saying that she would like to see the racetrack placed in that location (Exhibit "E-2"). Most of the existing landscaping on the subject property would stay as it is--the applicant will change only what is necessary. The area of the racetrack was completely scraped out when Mingo Creek was widened.

Protestants:

Mrs. Art Cline is the last elected GTC representative for the area. Mrs. Cline informed that the problems in the area are the same now as they have been since the Crosstown Expressway was put in--streets and sewers. She is concerned with the extra traffic the speedway would generate in the area. She is also concerned that the image of north-east Tulsa is that of a dumping ground--they get whatever the rest of Tulsa does not want. She informed that they are an established neighborhood and is afraid that their real estate values will drop drastically if the racetrack is put in.

Joe Salama, 9123 East Oklahoma Street, lives about four blocks from the subject property. He is concerned with the noise problem that the racetrack will raise in the area--he can hear it now at his present location. The people in the area were not expecting a racetrack to be put in the area when they bought their property. Mr. Salama does not want the problem area moved into his neighborhood.

Sophie Tyman, 9124 East Newton Avenue, resents having her area being termed as blighted. She has lived in the area a long time and has taken care of her property.

Paul Boen, 9113 East Oklahoma Street, feels that the noise factor will be much worse than what they have from the airport. He does not want any more noise brought in.

Jeff Bales, 8953 Marshall Street, informed his neighborhood is a very delightful place in which to live. He informed the people in the area did not know anything about the proposed racetrack and would like for the Board to either deny the application or continue the case until other residents become aware of this. Mr. Bales found out about the case from the Tulsa Tribune on July 29, 1983, after the case had been heard for the first time by the Board.

Applicant's Rebuttal:

The applicant feels the racetrack will be a tremendous asset to the economic base to this end of town. He did not mean to imply that the homes in the area were blighted, but rather the subject property.

Mr. Durrett went out with the protestant from July 28th meeting to test the sound in the area of the fairgrounds when the cars from the racetrack were running and when they were not running--the protestant was satisfied that the racetrack noise would not affect him in his neighborhood. The sound will blow away from the residential areas.

The hours of operation for the racetrack are 2 hours on Saturday afternoon and 2 to 2 1/2 hours on Saturday night. They want to run a Friday night show and a Saturday night show and get away from the daytime racing. The races start at 7:30 p.m., and the last race has to start before 10:20 p.m. Most of the races are over with between 9:30 p.m. and 10:15 p.m. The races normally last about 10 minutes.

Mr. Durrett will own and maintain the racetrack--they do not lease the track to other people.

Case No. 12720 (continued)

Interested Party:

Fred Stytes, 8130 East 12th Street, is a Certified Real Estate Appraiser. He owns property right next to the subject property and he feels the proposed use is a creative use--a use above and beyond what it has been. He feels that the racetrack will raise the level of the area.

Scott Davis, 2141 South Toledo Avenue, informed the sound from the race-track is deafening. He is in favor of moving the racetrack out of his neighborhood.

Mr. Colleoni, 1534 South Delaware Avenue, complimented the Board on the proceedings. He informed this Board can make a decision based on the facts and science.

Comments:

Mr. Smith informed the residents in the area did not receive notice because they are not within the required 300' around the subject property.

Board Action:

On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 12720 to the August 25, 1983, meeting to allow the protestants time to review the application.

Commencing at the SW corner of Section 30, Township 20 North, Range 14 East; thence North approximately 603 feet to the Point of Beginning; thence East approximately 1,255 feet; thence North a distance of approximately 152 feet; thence East along the North property line of Lot 1, Block 1, Wolf Point Industrial Parkway West approximately 436 feet to the right-of-way for Mingo Creek; North approximately 1,800 feet along said right-of-way to the Burlington Northern Railway Right-of-way; thence West along the Railroad right-of-way a distance of approximately 1,800 feet to the centerline of North Mingo Road; thence South along Mingo Road a distance of 1,800 feet to the Point of Beginning, and containing 69 acres, more or less.

Case No. 12723

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit a church - Under the Provisions of Section 1680; and a Variance - Section 1205.3 - Community Services, Cultural and Recreational Facilities - Use Conditions- Request for a variance of the minimum lot area to permit a church from 1-acre to .711 acre - Under the Provisions of Section 1670, located at the NW corner of 14th Street and 121st East Avenue.

Presentation:

The applicant, David Neinhuis, requested by letter (Exhibit "F-1") that this case be postponed until August 25, 1983.

Protestants:

There were protestants present.

Case No. 12723 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 12723 to the August 25, 1983, meeting.

Case No. 12724

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request for a variance of the frontage requirement on two tracts of land; a variance of the frontage requirement on Lewis Avenue and 51st Street from 150' to 73' and 45' respectively, on Tract 1; and a variance of the frontage requirement on Lewis Avenue and 51st Street from 150' to 130' and 135' respectively, on Tract 2 - Under the Provisions of Section 1670, located at the NW corner of 51st Street and Lewis Avenue.

Presentation:

John Moody, Bank of Oklahoma Tower, represented the property owners. The subject property is owned by a partnership and presently has erected on it an existing Quik-Trip Store with a gasoline pump facility and a dry cleaners pick-up and delivery station. This is a lot of record that has been in existence since the creation of the area by the condemnation action and the taking of Skelly Drive. This is not a platted lot. The tract is not capable of being expanded to the north, west, and east. The partnership had agreed that one partner would own the L-shaped tract (Tract #1) and the second partner would own Tract #2. The lot split was approved by the Planning Commission, subject to this Board's approval. By approving the waiver of the frontage requirement, the Board does not increase the amount of floor area that may be built. Mr. Moody does not feel that the granting of the variance to permit the lot split and the separate ownership of the two tracts will adversely affect the City or the public. There are other buildings in the area that have less than the 150-foot frontage required by the Zoning Code. The applicant feels that there is a hardship in this case--the unusual configuration of the property and the existence of Skelly Drive.

Mr. Moody is aware that there is an application before this Board by one of the owners of the subject property for an outdoor advertising sign--this case is on appeal. He informed that after talking to Mr. Jackere, it is his understanding that Mr. Jackere would advise the Board that if they grant the variance and if additional activity occurred on it and improvements were not on the lot, under the Tulsa Zoning Code as it presently exists, an owner of a commercial tract by right has the right to erect an outdoor advertising sign. The owner of the property said that he would dismiss the lawsuit assuming that he could use this property in accordance with the Zoning Code--he would have the right to build a sign if he improved, or if he removed improvements on the lot. Mr. Moody informed the Board has approved in numerous instances L-shaped tracts around corners and intersections.

Protestants: None.

Comments and Questions:

Mr. Victor asked if the applicant was going to leave the existing buildings as they are and split the lot for separate ownership of the property that the buildings are on; the applicant indicated that this is correct.

Mr. Jackere informed they can take the cleaners down if they want. He also informed that if the cleaners should be removed from the subject property, then there would be a vacant lot, and under the Code a sign of unlimited size could be constructed on the property provided it was behind the building setback. The sign requirements in the Code are very complex.

Mr. Jackere informed there may be many planning reasons for having commercial have a certain amount of frontage and no less. One of those reasons might be for signage purposes. If the Board is concerned with the size of a sign, then should the property ever become vacant and usable as a vacant lot, that is, for sign purposes, the Board has the power to approve it subject to that consideration.

The applicant informed there is a present amendment proposed to the Tulsa Zoning Code to delete the provision in the Zoning Code which would permit a sign on an unimproved lot.

Discussion ensued as to the sign size permitted on a lot with one business on it.

Mr. Smith asked what would happen if the original building was torn down, a large sign was put up, and then another building was put on the lot. He was informed the Code says that the sign must be removed if the lot is ever improved (within 30 days).

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 2-2-0 (Chappelle, Wait, "aye"; Smith, Victor, "nay"; no "abstentions"; Purser, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Use Unit 1213) of the frontage requirement on two tracts of land, of the frontage requirement on Lewis Avenue and 51st Street from 150' to 73' and 45' respectively, on Tract 1; of the frontage requirement on Lewis Avenue and 51st Street from 150' to 130' and 135' respectively, on Tract 2 - All Under the Provisions of Section 1670, on the following described property:

TRACT 1:

The North 75' of the South 240' and the West 45' of the South 165' of the East 220' of the SE/4 of Section 30, Township 19 North, Range 13 East of the Indian Base and Meridian, according to the U. S. Government Survey thereof, LESS and EXCEPT the East 40' and the South 35' thereof.

TRACT 2:

The South 240' of the East 220' of the SE/4 of Section 30, Township 19 North, Range 13 East of the Indian Base and Meridian, City of Tulsa, Tulsa County, LESS and EXCEPT the East 40' and the South 35' thereof AND the North 75' of the South 240' and the West 45' of the South 165' of the East 220' of the SE/4 of Section 30, Township 19 North, Range 13 East, according to the U. S. Government Survey thereof.

Case No. 12724 (continued)

Due to the lack of three (3) affirmative votes, this application was DENIED.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12728

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture Districts - Use Unit 1209 - Request for an exception to locate a mobile home dwelling and a waiver of the one-year time limit and removal bond requirement - Under the Provisions of Section 1680, located at 1903 South 161st East Avenue.

Presentation:

Eugene Carter, 1903 South 161st East Avenue, requests the variance in order to allow his parents to move close to him so he will be able to look after them.

Protestants: None.

Comments and Questions:

Chairman Smith inquired as to whether there was a septic tank on the property. The applicant informed that there was not at this time, but he was going to have one put in.

Ms. Hubbard advised that AG zoning does not require the one-year time limit and removal bond.

Chairman Smith informed the Board that the time limit was not required, but one could be put on it.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Under the Provision of Use Unit 1209) to locate a mobile home dwelling for a period of five years - Under the Provisions of Section 1680, subject to approval of the State Health Department, on the following described property:

The N/2 of the S/2 of the N/2 of the SW/4 of the SW/4 of Section 11, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Case No. 12729

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture Districts - Use Unit 1206 - Request for a variance of lot width from 200' to four lots having widths of approximately 138, 147, 156 and 165 feet respectively; a variance of lot area from 2 acres to four lots having areas of .61, .54, .57 and .57 acres respectively; and a variance of land area from 2.2 acres to four lots having approximate land areas of .776, .56, .58 and .58 acres respectively, to permit a lot split - Under the Provisions of Section 1670; and a Variance - Section 207 - Street Frontage Required - Request for a variance of the 30-foot

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Case No. 12729 (continued)

minimum frontage requirement on a public street or dedicated right-of-way to three lots having 9-foot frontages to permit a lot split - Under the Provisions of Section 1670, located at 10301 South Yale Avenue.

Presentation:

Tom Tannehill, 1918 East 51st Street, submitted a drawing of the subject property (Exhibit "G-1"). The Planning Commission approved the request on August 3, 1983, subject to the approval of this Board, approval of the Health Department and the granting of utility easements. The applicant feels that this request would fit into the existing land use pattern.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture Districts - Under the Provisions of Use Unit 1206) of lot width from 200' to four lots having widths of approximately 138, 147, 156 and 165 feet respectively; a variance of lot area from 2 acres to four lots having areas of .61, .54, .57 and .57 acres respectively; a variance of land area from 2.2 acres to four lots having approximate land areas of .776, .56, .58 and .58 acres respectively, to permit a lot split (L-15890) - Under the Provisions of Section 1670; and a Variance (Section 207 - Street Frontage Required) of the 30-foot minimum frontage requirement on a public street or dedicated right-of-way to three lots having 9-foot frontages to permit a lot split (L-15890) - Under the Provisions of Section 1670, on the following described property:

The N/2 of the S/2 of the NW/4 of the SW/4 of the NW/4, Section 27, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 12730

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 Yale Avenue from 95' to 84.5' - Under the Provisions of Section 1670, located at 2502 South Yale Avenue.

Presentation:

Don Matthews, 120 South Birmingham Avenue, would like to build two bedrooms, a bath, and a garage onto the back side of the existing house on the subject property. He submitted a drawing of the subject property (Exhibit "H-1"). He has already made application for a building permit.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a 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 Yale Avenue from 95' to 84.5' - Under the Provisions of Section 1670, on the following described property: 8.11.83:393(13)

Case No. 12730 (continued)

The North 135' of the East 234.7' LESS the East 30' thereof, for street purposes of the S/2 of the S/2 of the SE/4 of the NE/4 of Section 16, Township 19 North, Range 13 East of the Indian Base and Meridian, City of Tulsa, Oklahoma.

Case No. 12731

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225 - Request for a variance of frontage from 150' to 127.5' to permit a lot split - Under the Provisions of Section 1670, located West of the NW corner of Broken Arrow Expressway and 51st Street South.

Presentation:

William Lewis, 6420 South 221st East Avenue, informed the Expressway Park is a platted subdivision. The lot splits have been approved by the Planning Commission on two of the tracts. The split is desired to that the owner can sell the lots separately. All utilities are to the site and have approval of the City. The subject property will have a mutual access easement to the landlocked piece of property to the northwest. Mr. Lewis submitted a Land Plat (Exhibit "I-1").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Use Unit 1225) of frontage from 150' to 127.5' to permit a lot split (L-15893) - Under the Provisions of Section 1670, on the following described property:

Lot 1, Block 1, Expressway Park Addition, City of Tulsa, Oklahoma.

Case No. 12734

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 requirement from 20' to 16' to permit an addition to an existing structure - Under the Provisions of Section 1670, located at 5619 South Richmond Avenue.

Presentation:

Martha Paige, 5619 South Richmond, proposes to put an addition of a master bedroom/bath, sewing room, and utility room onto the existing home on the subject property which is a corner lot. The applicant submitted signatures of her immediate neighbors which indicated they approved of the plans. She showed the plans to the Board (Exhibit "J-1").

Protestants: None.

Comments:

Mr. Jones informed this was taken as a Major Variance (\$100) and was later found to be a Minor Variance (\$75) and the applicant has asked

Case No. 12734 (continued)

for a refund of \$25--the Staff has no problem with this.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to refund \$25 of the fees charged.

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Under the Provisions of Use Unit 1206) of the rear yard requirement from 20' to 16' to permit an addition to an existing structure - Under the Provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 12, Block 9, Holliday Addition, City of Tulsa, Oklahoma.

Case No. 12736

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 lot width from 60' to 45' to permit a lot split - Under the Provisions of Section 1670, located at 1528 North Xanthus Avenue.

Presentation:

Frank James, 829 North 77th East Avenue, informed the subject property had a residence on it at one time--the Urban Renewal tore it down in about 1976. The applicant would like to build a small residence on the lot. He does not own any other lots in the area. There are other lots in the area the same size and smaller.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Under the Provisions of Use Unit 1206) of lot width from 60' to 45' to permit a lot split (L-15887) - Under the Provisions of Section 1670, on the following described property:

The South 45' of Lot 10, Block 3, Kinloch Park Addition, City of Tulsa, Oklahoma.

Case No. 12738

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 38th Street from 55' to 50' - Under the Provisions of Section 1670, located at 2410 East 38th Street.

Presentation:

Doug Kirk, 3816 East 56th Street, requested the variance. The applicant was told that 38th St., would never be any wider than it is now.
8.11.83:393(15)

Case No. 12738 (continued)

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a 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 38th Street from 55' to 50' - Under the Provisions of Section 1670, on the following described property:

The East 147.5' of the West 257.5' of the South 169' of the North 194' of the SW/4 of the SW/4 and the South 15' of the North 194' of the East 60' of the West 110' of the SW/4 of the SW/4 of Section 20, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma.

Case No. 12742

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Section 440.6 - Request to permit a mobile home in an RS-3 Zoned District - Under the Provisions of Section 1680, located at the SW corner of Atlanta Avenue and Tecumseh Avenue.

Presentation:

David Sadler, 10759 East Admiral Place, presented 3 pictures of his mobile home at its present location (Exhibit "K-1"). The subject property is in an older area and he does not think that it will bring the property values down. He feels that his mobile home would improve the area. The mobile home is presently in a mobile home park. There are other mobile homes in the area of the subject property, the closest one being about 2 blocks away. The house on the subject property burned down and the land has not been kept well-groomed. The applicant plans to clean the property up, skirt his mobile home, and keep the property in good condition.

Protestant:

John Palovic who owns the property at 1901 Atlanta Avenue, which is near the subject property, was present and informed that he had been trying to sell his property for the past couple of years. There always seems to be something that comes up which is not pleasing to the prospective buyers--this time the problem is with a mobile home being put on the subject property. If the mobile home goes in, the contract will fall through. He feels that the homes in the area should be of a permanent nature. The protestant is concerned that a mobile home would be detrimental to the area. Most of the surrounding area consists of permanent homes--it is an older neighborhood. The protestant did not know of any mobile homes in the neighborhood.

Applicant's Rebuttal:

The applicant informed that many of the permanent homes were in worse shape than his mobile home, and his home would not degrade the area. The applicant's mobile home is a 1981 model.

Comments:

Mr. Victor informed he would like to look at the area.

Case No. 12742 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 12742 to the August 25, 1983, meeting to allow the Board members time to view the site.

Lot 450, Block 36, Tulsa Heights Addition, City of Tulsa, Okla.

Case No. 12756

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to allow a mobile home dwelling in an RS zoned district - Under the Provisions of Section 1680, located at the SE corner of 57th Street and 44th West Avenue.

Presentation:

Gayla Brown, 6122 South 34th West Avenue, requested permission to move a mobile home on a vacant lot. There is another mobile home about 1/2 block away from the subject property. She informed that her father-in-law owns four vacant lots in the area--one of these lots is the subject property.

Protestants: None.

Staff Comment:

Mr. Jones informed the previous action, Case No. 11471, was granted in May, 1981.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1209) to allow a mobile home dwelling in an RS zoned district - Under the Provisions of Section 1680, for a period of one year with removal bond required, and subject to Health Department approval, on the following described property:

Lot 8, Block 8, Doctor Carver Addition, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 12725

Action Requested:

Special Exception - Section 440 (2) - Special Exception Uses in Residential Districts, Requirements - Home Occupations - Use Unit 1214 - Request for an exception to permit a home occupation (lawn mower repair service) - Under the Provisions of Section 1680, located at 3302 West Archer Street.

Presentation:

Gene Goodman, 3302 West Archer Street, submitted 15 photographs of the subject property showing how the property looked when he bought it and the condition it is in now (Exhibit "L-1"). The applicant has a heart problem and is disabled--he wants to make a living at his home. The

8.11.83:393(17)

Case No. 12725 (continued)

lawnmower work would be done in a garage which has an eight foot fence surrounding it. The applicant is currently repairing lawn mowers, and he has approximately 10 people who bring lawn mowers by for him to repair on the weekends.

The applicant had a complaint filed against him and was told he needed to appear before the Board and get a home occupation permit. The property is fixed up so that there will be no outside storage of the lawn mowers, but his repair equipment is outside behind the fence.

Protestants:

Pauline French, 3311 West Archer, lives directly across the street from the applicant and informed the Board until recently the subject property has been kept junked up. She does not hear any noise from the subject property that is disturbing. Mrs. French is concerned that if one business is allowed in the neighborhood, others could be started as well.

C. L. Stranton, 20 North 35th West Avenue, submitted a petition (Exhibit "L-2") with the signatures of 30 homeowners of the area who do not approve of this application. He feels the neighborhood should stay residential.

Irene Bailey, 3211 West Archer, is concerned with the clutter and junk that were on the subject property--she is concerned that this will run her property value down.

Comments and Questions:

Mr. Victor informed if the application is granted, there can be nothing at the subject property which indicates there is an occupation there.

Ms. Hubbard stated the applicant had stopped all work on the subject property after the notice was served.

Mr. Smith informed the applicant was justified in requesting this use in a residential area. This Board does not rezone; that is for the Planning Commission and the City Commission.

Mr. Victor pointed out that none of the applicants had mentioned the people coming to the applicant's home as a problem.

Mr. Jackere informed the applicant the home occupation must be conducted within an enclosed principal building or an accessory building. A building is something with a roof over it.

The applicant stated he could abide by the rules for a home occupation.

Board Action:

On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Smith, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 440 (2) - Special Exception Uses in Residential Districts, Requirements - Home Occupations - Under the Provisions of Use Unit 1214) to permit a lawn mower repair service - Under the Provisions of Section 1680, to run with the ownership of Mr. Goodman only and to meet the requirements of home occupation, on the following described property:

Lot 4, Block 1, Pecan Grove Addition, City of Tulsa, Oklahoma.

8.11.83:393(18)

Case No. 12726

Action Requested:

Special Exception - Section 440 (2) - Special Exception Uses in Residential Districts, Requirements - Home Occupations - Use Unit 1211 - Request for an exception to permit a home occupation (hearing aid office) - Under the Provisions of Section 1680, located at 1367 East 43rd Street.

Presentation:

David Rowe, 1505 East 43rd Street, submitted 8 pictures of the subject property (Exhibit "M-1"). There is off-street parking on the subject property. If customers come to the applicant's house, they come by appointment only for about 1 hour.

Protestants: None.

Comments:

The applicant informed he has been in the hearing aid business for about 14 years working for another dealer. The house had previously been set up as a business for piano lessons. The applicant is a traveling salesman and is out of town most of the time--he indicated he would have approximately 2 or 3 customers a week come by his house.

Ms. Hubbard stated her office had investigated several possible zoning violations, and this was one of those.

The applicant said his home would not be altered in any way.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 440 (2) - Special Exception Uses in Residential Districts, Requirements - Home Occupations - Under the Provisions of Use Unit 1211) to permit a hearing aid office - Under the Provisions of Section 1680, subject to compliance to all the requirements of the Home Occupation Act and to be run with this owner only, on the following described property:

Lot 22, Block 4, Amended Warren Heights Addition, City of Tulsa, Oklahoma.

Case No. 12727

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Off-Street Parking - Use Unit 1210 - Request for a variance to permit off-street parking on two lots adjacent to church property - Under the Provisions of Section 1670; and a Variance - Section 1340 (d)- Design Standards for Off-Street Parking Areas - Request for a variance of the required all-weather surface material - Under the Provisions of Section 1670, located at the SE corner of 31st Street North and Iroquois Avenue.

Presentation:

Rev. Henry Brent, 211 East Marshall Street, informed he plans to put up a new church building--the old building is already torn down. The old building was 24 feet by 50 feet. The variance is requested so that the Church will have ample parking. The applicant submitted a

8.11.83:393(19)

Case No. 12727 (continued)

plot plan (Exhibit "N-1") which shows they will have adequate parking. The applicant is requesting the second variance because the Church cannot afford all-weather surfacing at this time--they do plan on having it later. Right now, they would like to gravel the parking lot--most of the churches in north Tulsa have graveled parking lots.

Protestants: None.

Comments:

Mr. Jones stated since the new building will be built on the old site, the applicant will be able to meet the one-acre requirement.

The applicant told the Board there are about 50 members in the congregation, and they have the money now to build the new building--they just don't have enough money right now to pave the parking lot.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Off-Street Parking - Under the Provisions of Use Unit 1210) to permit off-street parking on two lots adjacent to the Church property - Under the Provisions of Section 1670; and a Variance (Section 1340 (d) - Design Standards for Off-Street Parking Areas) of the required all-weather surface material - Under the Provisions of Section 1670, with the condition that the latter variance be approved for a period of two years, on the following described property:

Lots 1 and 2, Block 10, Standard Heights Addition, City of Tulsa, Oklahoma.

Case No. 12732

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - (Offices and Studios) - Use Unit 1211 - Request for an exception to permit office use - Under the Provisions of Section 1680, located at 207 South Xanthus Avenue.

Presentation:

David Talbot, P. O. Box 52363, was present and informed the Board he wished to use the existing building on the subject property as an office. He has obtained permission from the minister of the Baptist Church to use part of the Church's parking lot for customer parking if it does not interfere with Church functions. The applicant intends to put a sign in front of the building which meets the sign codes. He feels this use would be consistent with the present use of the neighborhood, and feels its presence would be a positive influence. His current staff consists of three people, but he would like to expand that to five within the next several years. The applicant submitted 3 pictures of the subject property (Exhibit "O-1").

Protestants: None.

Comments:

The applicant stated he may side the house with vinyl siding at some time in the future. He will do some repair work on the buildings.

8.11.83:393(20)

Case No. 12732 (continued)

He will use the small building behind the structure to store small maintenance items

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - (Offices and Studios) - Under the Provisions of Use Unit 1211) to permit office use - Under the Provisions of Section 1680, with the conditions that it be run by this owner only and that the sign size be limited to 2 feet by 3 feet, on the following described property:

Lot 9, Block 18, Gillette Hall Addition, City of Tulsa, Oklahoma.

Case No. 12733

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - (Community Services, Cultural and Recreation) - Use Unit 1205 - Request for an exception to permit Church use - Under the Provisions of Section 1680, located at the SE corner of 15th Street and Lynn Lane.

Presentation:

The applicant, Ken Brunson, requested by letter (Exhibit "P-1") that this case be continued until August 25th, 1983.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 12733 to the August 25, 1983, meeting.

Case No. 12735

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request to permit a mobile home - Under the Provisions of Section 1680; and a Variance - Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements (Mobile Home Dwellings) - Request for a variance of the one-year time limitation to a period of five years - Under the Provisions of Section 1670, located at 2258 North Evanston Avenue.

Presentation:

Paul Shellhammer, 1017 North Oswego Avenue, informed the Board the subject property has all utilities and is on a dead-end street. The applicant submitted 4 photographs (Exhibit "Q-1") of the subject property. He would like to demolish the building on the lot and get the lot cleaned up. The applicant feels that a mobile home on this lot would enhance the value of the neighborhood. There are other mobile homes in the area--one is on the lot just south of the subject property.

Case No. 12735 (continued)

Protestants:

Charles C. Marshall, 2268 North Evanston Avenue, informed the Board the house on the subject property has been condemned for a year and a half-- there has been no effort to clean it up. He also informed the applicant does not own the property. He wanted to know how long it would be before the land would be cleaned up. Mr. Marshall does not think the neighborhood needs another mobile home.

A second protestant just seconded what Mr. Marshall had to say.

Applicant's Rebuttal:

Mr. Shellhammer is in the process of purchasing the subject property. He is not sure how long it will take to completely clean up the property.

Mrs. Shellhammer informed that she and her husband have been awarded the right to purchase the subject property.

Comments:

Mr. Jackere informed the Board the application could be approved for Mr. Shellhammer personally. He also informed the property owner is responsible for the land's upkeep, and if the owner does not keep it up, the Health Department has the power to mow the lot and assess the cost against the property.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1209) to permit a mobile home - Under the Provisions of Section 1680; and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements (Mobile Home Dwellings)) of the one-year time limitation to a period of five years - Under the Provisions of Section 1670, on the following described property:

The North 64' of the E/2 of Lot 3, Block 3, City View Addition,
City of Tulsa, Oklahoma.

Case No. 12737

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 7th Street from 55 feet to 40 feet - Under the Provisions of Section 1670, located at 705 South 142nd East Avenue.

Presentation:

Frances Tummons was represented by Jim Tummons, 705 South 142nd East Avenue. The applicant requests this variance so he can build a garage which will line up with the existing house on the front. The applicant submitted a plot plan (Exhibit "R-1").

Protestants: None.

Case No. 12737 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - 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 7th Street from 55 feet to 40 feet - Under the Provisions of Section 1670, per plot plan, on the following described property:

Lot 1, Block 2, Eleventh Street Acres Second Addition, Tulsa County, Oklahoma.

Case No. 12739

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Automotive and Allied Activities - Use Unit 1217 - Request for an exception to permit automobile sales and repairs - Under the Provisions of Section 1680, located at 670 South Memorial Drive.

Presentation:

Dianna Hampton, 2810 West 38th Street, was present on behalf of Action Auto Sales. There will be no junk cars on the subject property and the property is being cleaned up. This was formerly a service station site. The applicant will have approximately 15 cars on the lot at one time. There will only be minor repair work done in the existing building. They are not going to run an automobile salvage business. All of the repair work will be done on the inside.

Protestant:

Mrs. John Erickson was concerned there would be salvage operations on the subject property. She was also concerned with the number of cars which would be on the lot. She submitted one (1) photograph of her property (Exhibit "S-1").

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Automotive and Allied Activities - Under the Provisions of Use Unit 1217) to permit automobile sales and repairs - Under the Provisions of Section 1680, on the conditions that there is no outside storage or work, that there are no salvage operations and that the number of cars be limited to 15, on the following described property:

Part of the NE/4 of the SE/4; beginning at the SE corner of the NE/4 of the SE/4; thence North 125'; thence West 100'; thence South 125'; thence East 100' to the Point of Beginning, LESS the East 50' and the South 35' for Right-of-Way in Section 2, Township 19 North, Range 13 East, City of Tulsa, Oklahoma.

Case No. 12740

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request to locate a mobile home in an RM-1 zoned district - Under the Provisions of Section 1680; and a Variance Section 440.6 (a) - Special Exception Uses in Residential Districts - Request for a variance of the time limitation from one-year to permanent occupancy in an RM-1 zoned district - Under the Provisions of Section 1670, located at 5121 West 7th Street.

Presentation:

James Moody, 5121 West 7th Street, was represented by Darrell Rawlins, 501 South 39th West Avenue. The applicant submitted 14 photographs of the subject property and surrounding area (Exhibit "T-1"). Mr. Rawlins lives in the neighborhood where the subject property is and sees no problem in having a mobile home there. He informed the mobile home is a 1983 model and looks better than the rest of the neighborhood which is very run-down.

Protestants: None.

Comments:

The applicant stated there are several other mobile homes in the area. This is the first application to have the land zoned permanently. The mobile home is not skirted because the applicant did not have a permanent variance.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1209) to locate a mobile home in an RM-1 Zoned District - Under the Provisions of Section 1680; and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts) of the time limitation from one-year to permanent occupancy in an RM-1 Zoned District - Under the Provisions of Section 1670, on the following described property:

Lot 3 of the Resubdivision of Lot 13, Block 3, Smith's Addition, City of Tulsa, Oklahoma.

Case No. 12741

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1218 - Request to permit a restaurant 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 1219 - Request to permit a motel in an IL Zoned District - Under the Provisions of Section 1680, located east of the SE corner of 51st Street and 122nd East Avenue.

Presentation:

The applicant, Roy Johnsen, was not present.

Protestants: None.

Case No. 12741 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to continue Case No. 12741 to the August 25, 1983, meeting.

Case No. 12743

Action Requested:

Variance - Section 420.2 (a) 2 - Accessory Use Conditions in Residential Districts - Use Unit 1206 - Request for a variance to permit a detached accessory building in a side yard in an RS-3 Zoned District - Under the Provisions of Section 1670; and a Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Request for a variance of the setback requirement from the centerline of Darlington Avenue from 50' to 42' to permit a detached accessory building in a side yard in an RS-3 Zoned District - Under the Provisions of Section 1670, located at 5221 East 13th Street.

Presentation:

Candy Parnell, 5221 East 13th Street, submitted 20 pictures of the subject property (Exhibit "U-1") and informed the accessory building has already been placed on the property. The applicant had been told she would not need a building permit since the building was portable. There is no other part of the subject property where the building could be placed. The applicant intends to have the building tied down and skirted.

Protestants:

Kenneth Shouse, attorney for Charles White, 1310 South Darlington, submitted a letter signed by persons in the area (Exhibit "U-2") and some pictures (Exhibit "U-3"). The letter contains 21 signatures from 19 different addresses surrounding the subject property. The building is quite large--approximately 12 feet by 24 feet. It is about 16 feet tall. The building sets on an incline. The neighbors feel the building is an eyesore and does not fit in with the surrounding area. It is the first building of its type to be built in the front or side yard of any house in the area. The protestant feels the building will have an adverse affect on the property values of the surrounding area. Mr. Shouse informed the building as it is now is not safe.

Board Action:

On MOTION of CHAPPELLE, and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to DENY a Variance (Section 420.2 (a) 2 - Accessory Use Conditions in Residential Districts - Under the Provisions of Use Unit 1206) to permit a detached accessory building in a side yard in an RS-3 Zoned District - Under the Provisions of Section 1670; and a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts) of the setback requirement from the centerline of Darlington Avenue from 50 feet to 42 feet to permit a detached accessory building in a side yard in an RS-3 Zoned District - Under the Provisions of Section 1670, on the following described property:

The South 60' of the E/2 of Tract 14, Crowell Heights Addition,
City of Tulsa, Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1215 - Section 440.2 - Request for a home occupation (beauty shop) in an RS-3 Zoned District - Under the Provisions of Section 1680, located west of the SW corner of 36th Street and Sandusky Avenue.

Presentation:

Steve Cleveland, 4320 East 36th Street, wants to put a salon in his home so he can be with his family more. He understands the requirements for in-home businesses and does not plan to do any advertising. The applicant plans to space his appointments 1-hour apart, which would make minimal traffic flow to his house. There would be at most 2 cars parked at the subject property at one time, and these cars would be parked off the street.

Protestants:

Hugh Gallamore, 4317 East 36th Street, submitted a petition with 25 signatures (Exhibit "V-1") protesting the special exception. The protestant is concerned that if one exception is made, there may be others made as well. He also submitted a letter from a resident of the neighborhood (Exhibit "V-2").

Mr. Jackere asked if Mr. Gallamore was aware that there is another in-home beauty shop in the area. Mr. Gallamore was not.

Candy Carlisle, 3609 South Sandusky Avenue, is concerned with the traffic and parking in the area.

Angela Caruso, 3609 South Sandusky Avenue, is concerned about the traffic and parking problems this exception could cause.

Leta Carpenter, 4309 East 36th Street, is concerned with the traffic in the area.

Laura Williams, 3570 South Sandusky Avenue, is concerned with the parking in the area, and is also concerned that this might lead to other businesses opening in the area.

Edith Laforge, 3562 South Sandusky Avenue, had questions concerning what is involved in a home occupation. She is concerned about a precedent which this would set in a strictly residential area.

Don Frank, 3617 South Sandusky Avenue, is concerned with the parking in the area.

Applicant's Rebuttal:

The applicant presented a drawing of his lot which shows where the off-street parking will be. He does have off-street parking available in his carport since his cars will be behind his house in the garage. There would be a maximum number of 10 cars coming to the applicant's house in one day. The business would be open 5 days a week from 8:00 a.m. until 6:00 p.m.

Comments:

Mr. Jackere informed in 1979 the Board approved a special exception for a beauty shop in this area and the District Court upheld the Board's decision.

Case No. 12744 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1215 - Section 440.2) for a beauty shop in an RS-3 Zoned District - Under the Provisions of Section 1680, on the following described property:

Lot 2, Block 11, Walter Foster Addition, City of Tulsa, Oklahoma.

Case No. 12745

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1214 - Request for a variance of the rear yard requirement from 20 feet to 10 feet in an RS-3 Zoned District - Under the Provisions of Section 1670; and a Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request for a variance to permit a home medical supply establishment in an RS-3 Zoned District - Under the Provisions of Section 1670, located at the NE corner of East Pine Street and Kingston Place.

Presentation:

Gregory Guerrero, 1700 Bank of Oklahoma Tower, represented Douglas Baggett. The applicant is seeking a variance to provide for construction of a building to house Northern Medical Supplies, Inc., which is a corporation in the business of delivering and renting certain medical equipment to people at their homes. The business is owned by Douglas Baggett and Richard Gray, both of whom are pharmacists. The business has been operated out of a 2-car garage and bedroom until this time. Customers do not come to the business and little storage space is necessary. The business is generated through referrals from hospitals, clinics, physicians, and therapists. People do not come to buy the available items, they rent them.

Each lot is 130 feet wide and 50 feet deep. Lot 1 has a pump substation for Oklahoma Natural Gas located on it. Six feet south of the No. property line of Lot 1 is a sewer easement, 10 feet wide, which extends across the length of the lot. With the required setback, there is no room between Pine Street and lot 2 for anything to be built on Lot 1.

The applicant submitted a preliminary blueprint of the building to be constructed (Exhibit "W-1") and some drawings (Exhibit "W-2"). The building will have off-white steel sides with brown trim and a brown shingled roof. There will be a 24' by 16' office display area in the southeast corner of the building with a six-foot overhanging porch extending away from the office area. There will be four 4' by 4' picture windows in the office area and an attractive wooden door for access with a storm door in front of it. The applicant submitted a picture (Exhibit "W-3") which illustrates what the proposed building will look like. The building in the picture is not exactly like the proposed building, but it is very similar. The applicant proposes to landscape four large areas on the lot--directly in front of the building, in the southwest corner of Lot 2, in the southwest corner of Lot 1, and around the gas substation. The rest of Lot 1 will have paved parking. The applicant proposes to erect a cedar privacy fence on the north boundary line of Lot 2.

The applicant gave three reasons why this application should be approved: (1) The use will be consistent with the use of the other property in the area--to the east, the west, and to the south; (2) it will provide an attractive transition buffer between the Pine Street traffic and the high density neighborhood to the north; (3) it prevents a hardship which would be rendered upon the owners of Lot #1 because nothing can be built on this lot.

Directly to the east of the property is the Charlie Brown Nursery and Day Care Center. To the west of the property is Mac's Cleaners. Across from the nursery is a P.S.O. electrical power station. East of the power station is a vacant lot and then ABCO Plumbing and Heating Supply. Next to ABCO is Eastside Church of God. Across the street is a single-family residence which has a ceramics or cement mold set up in the back yard. There is also a tool business nearby. The applicant submitted 17 photographs of the surrounding area (Exhibit "W-4").

The applicant proposed to build a mirror building some time in the future as the business expands.

Protestant:

Lou Kelso, 1141 South Vandalia, owns the property at 1509 North Kingston Place. Ms. Kelso wanted to know about a privacy fence. She informed the lot is terrible the way it is right now, and anything the applicant would do would help the lot. Ms. Kelso has no objection as long as a privacy fence is put up.

Comments:

There is a pink metal building on the property of the Church of God.

The proposed building will be a cross between a single-family dwelling and an office.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Under the Provisions of Use Unit 1214) of the rear yard requirement from 20 feet to 10 feet in an RS-3 Zoned District - Under the Provisions of Section 1670; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts) to permit a home medical supply establishment in an RS-3 Zoned District - Under the Provisions of Section 1670, subject to the following conditions:

1. Erection of a 6-foot screening fence constructed to separate the lots from the residential property to the north,
2. no outside storage, and
3. the building colors be as presented in the brochure,

on the following described property:

Lots 1 and 2, Block 1, Hefflefinger Addition, City of Tulsa, Okla.

Action Requested:

Special Exception - Section 1680.1 (g) - Off-Street Parking Use of Property Located Within A Residential District When Property is Abutting an Office, Commercial, or Industrial District - Use Unit 1611 - Request to permit access and parking on property located within an RS-3 Zoned District abutted by a CG Zoned District - Under the Provisions of Section 1680; Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of setback from abutting "R" Districts from 10 feet to 0 feet in a CG Zoned District - Under the Provisions of Section 1670; and a Variance - Section 1211.3 - Office and Studio - Use Conditions - Request for a variance of the screening requirement from abutting "R" Districts along the west zoning line and on the west 200 feet of the north property line in a CG Zoned District - Under the Provisions of Section 1670, located at the NW corner of 36th Street North and Cincinnati Ave.

Presentation:

Edward Hicks, City Attorney's Office, 200 Civic Center, informed the City of Tulsa is getting ready to build a health care facility at 36th Street North and Cincinnati Avenue--North Tulsa Ambulatory Care Facility. The project will have about 14,000 square feet. There will be 20 medical exam rooms, 6 medical offices, and 7 dental operational units. There will be about 8 doctors, 2 dentists, and their supporting staff. There is very little development in the area of the subject property. The subject property is on top of a hill--the hilltop would screen the area of the subject property from a nearby residential area. Most of the property is zoned CG, but the western part is zoned RS-3. All of the building structure will be in the CG area, but the access needs to be in the RS-3 section. The area is basically open fields at this time. The facility should be a big improvement to the area after it is built. The property is being used as a dumping ground at the present time. The applicant requests the required screening be waived at this time since there is no development in the area. The applicant submitted a site plan (Exhibit "X-1") and a Detail Topographic Survey (Exhibit "X-2").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-1 (Smith, Victor, Wait, "aye"; no "nays"; Chappelle, "abstaining": Purser, "absent") to approve a Special Exception (Section 1680.1 (g) - Off-Street Parking Use of Property Located Within A Residential District When Property is Abutting an Office, Commercial, or Industrial District - Under the Provisions of Use Unit 1611) to permit access and parking on property located within an RS-3 Zoned District abutted by a CG Zoned District - Under the Provisions of Section 1680; a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of setback from abutting "R" Districts from 10 feet to 0 feet in a CG Zoned District - Under the Provisions of Section 1670; and a Variance (Section 1211.3 - Office and Studio Use Conditions) of the screening requirement from abutting "R" Districts along west zoning line and on the west 200 feet of the north property line in a CG Zoned District - Under the Provisions of Section 1670, per plot plan submitted, on the following described property:

A tract of land lying in the SE/4 of Section 14, Township 20 North, Range 12 East, Tulsa County, Oklahoma, said tract being more

Case No. 12746 (continued)

particularly described as follows, to wit: Commencing at the Southeast corner of said SE/4; thence South 88°-34'-28" West along the South line of said SE/4 a distance of 500'; thence North 01°-03'-10" West a distance of 50' to the point of beginning; thence containing North 01°-03'-10" West a distance of 350'; thence North 88°-34'-28" East a distance of 403'; thence South 01°-03'-10" East a distance of 235.55'; thence South 66°-25'-23" West a distance of 220.33'; thence South 77°-15'-53" West a distance of 163.17'; thence South 40.0' to the Point of Beginning: AND,

A tract of land lying in the SE/4 of Section 14, Township 20 North, Range 12 East, Tulsa County, Oklahoma, said tract being more particularly described as follows, to wit: Commencing at the Southeast corner of said SE/4 of said Section 14; thence South 88°-34'-28" West along the South line of said SE/4 a distance of 500'; thence North 01°-03'-10" West a distance of 50' to the point of beginning; thence South 88°-34'-28" West a distance of 100.00'; thence North 01°-03'-10" West a distance of 350.00'; thence North 88°-34'-28" East a distance of 100.00'; thence South 01°-03'-10" East a distance of 350.00' to the Point of Beginning.

Case No. 12747

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 side yard requirements from 10 feet to 7 feet in an RS-2 Zoned District - Under the Provisions of Section 1670, located at 3433 East 58th Street.

Presentation:

George Baird, 14 East 2nd Street, with Home Reconstruction Company in Sand Springs, Oklahoma, proposes to put an addition on the home of Mr. Hoxie. The variance would allow the applicant to line up the addition with the existing home. He will be building to the back of the lot.

Protestants: None.

Comments:

Ms. Hubbard informed the applicant was before the Board earlier, and this is something that was not caught in that hearing. It was on the plot plan earlier, but he was not advertised for it, and none of the staff caught it.

Ms. Hubbard informed Mr. Jones had said there was a request for a refund of fees which was in order.

Mr. Jackere informed the applicant was told what relief was needed and something was excluded.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a refund of fees.

Case No. 12747

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, Wait, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Under the Provisions of Use Unit 1206) of the side yard requirements from 10 feet to 7 feet in an RS-2 Zoned District - Under the Provisions of Section 1670, per plot plan, on the following described property:

Lot 14, the West 6 feet of Lot 15, Block 7, Lou North Woodland Acres V Addition, City of Tulsa, Oklahoma.

Case No. 12748

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 the side yard requirement from 10 feet to 5 feet within interior lot lines in an RM-2 Zoned District - Under the Provisions of Section 1670, located at the SW corner of East 66th Place South and South Peoria Avenue.

Presentation:

Michael Taylor, 5359 South Sheridan Road, submitted a study of the subject property (Exhibit "Y-1"). The buildings meet or exceed all other requirements for condominiums in the Code. He also submitted a plat of survey (Exhibit "Y-2").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, 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 the side yard requirement from 10 feet to 5 feet within interior lot lines in an RM-2 Zoned District - Under the Provisions of Section 1670, per plot plan, on the following described property:

Lot 1, Block 1, Raintree II Addition, City of Tulsa, Oklahoma.

Case No. 12749

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 side yard requirements on proposed corner lots from 25 feet to 15 feet in an RS-3 Zoned District - Under the Provisions of Section 1670, located on the north side of 101st Street South and 1/4 mile west of South Garnett Rd.

Presentation:

E. O. Sumner, 6002 South 66th East Avenue, presented a survey of plat and requested the variance in order to give more room for buildings on side and corner lots.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0
8.11.83:393(31)

Case No. 12749 (continued)

(Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, 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 side yard requirements on proposed corner lots from 25 feet to 15 feet in an RS-3 Zoned District - Under the Provisions of Section 1670, on the following described property:

A tract of land in the SW/4 of the SE/4 of Section 19, Township 18 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows:

Beginning at the Southwest corner of the SW/4 of the SE/4 of Section 19, Township 18 North, Range 14 East; thence North $0^{\circ}-01'-51''$ West a distance of 1,322.01' to the Northwest corner of said SW/4 of the SE/4; thence South $89^{\circ}-42'-42''$ East a distance of 1,317.67' to the Northeast corner of said SW/4 of the SE/4; thence South $0^{\circ}-02'-26''$ East along the East line of said SW/4 of the SE/4 a distance of 934.28'; thence North $89^{\circ}-42'-40''$ West a distance of 570.46'; thence South $0^{\circ}-02'-26''$ East a distance of 387.75' to a point on the south line of said SW/4 of the SE/4; thence North $89^{\circ}-42'-40''$ West a distance of 747.44' to the point of beginning, said tract containing 34.92 acres, more or less.

There being no further business, the Chair adjourned the meeting at 5:30 p.m.

Date Approved

9-8-83


Chairman