

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 396
Thursday, September 22, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Smith, Chairman Victor	Purser Wait	Gardner Jones 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, September 20, 1983, at 10:16 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 1:09 p.m.

MINUTES:

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 the Minutes of August 25, 1983, (No. 394) and September 8, 1983, (No. 395).

UNFINISHED BUSINESS:

Case No. 12680

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in 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, submitted a map of the area around the subject property (Exhibit "A-1") and informed the Gilcrease Village #2 Addition was platted in 1978 or 1979. There are 108 lots in the addition and there has been no development of any kind on any of the lots. All of the lots are still owned by the original developer. This application applies only to the Lots in Blocks 21, 22, 23 and 24--the application has been revised to delete the lots in Blocks 18, 20 and 25. The deleted lots are across a major drainage detention facility from the lots which Mr. Norman is requesting this exception for--this provides a natural separation from between 200 to 400 feet. There are approximately 70 lots remaining in the application, of which 28 to 30 are zoned RM-1 and do not need the special exception. Mr. Norman resubmitted 11 pictures which he had submitted at a previous meeting (Exhibit "A-2"). This subdivision has all of the streets, curbs, gutters, and utilities, but it has become a dumping ground. There have been no single-family lot sales in Gilcrease Hills by the developer since late 1979. Mr. Norman presented an aerial photograph (Exhibit "A-3") and described the area surrounding the subject property.

Protestants:

Curtis Proud, 1935 North Nogales Avenue, is a past president of the Gilcrease Hills Homeowner's Association. He sent a letter with enclosures to the Board on August 10, 1983, protesting this application (Exhibit "A-4"). He informed his decision to purchase and maintain a residence in Gilcrease Hills was based upon several published and official representations of how the area would be developed. There was no representation or mention ever made of a duplex project at the location of the subject property--there was to be detached dwellings on the property. He is concerned that duplexes will result in significant impairment of the quality of life and will circumvent the administrative controls of the Gilcrease Hills Homeowner's Association. He informed that, historically, it has been extremely difficult to enforce covenants with respect to renters or leasees--tenants are not legally bound to comply with restrictive covenants. This constitutes a degrading of the quality of life in Gilcrease Hills. He does not feel that multifamily or nonowner occupied homes are in harmony with the Gilcrease Hills concept as it now exists. He feels that such uses will be detrimental to the public welfare and quality of life in Gilcrease Hills. He informed over 90% of the homes in Gilcrease Hills are owner occupied.

Dennis Fletcher, 1732 West Xyler, is the current president of the Gilcrease Hills Homeowner's Association. He submitted a letter from the Cozort Construction Company (Exhibit "A-5") and a resolution by the Board of Directors of the Homeowner's Association protesting this application (Exhibit "A-6"). The letter is evidence that there have been attempts made to purchase lots in the area of the subject property. Mr. Fletcher submitted 353 signatures of homeowners and interested parties protesting this application (Exhibit "A-7"). Part of these signatures are on a petition signed by realtors. He informed there are several areas in Gilcrease Hills already zoned for multifamily use--he feels these should be used instead of the subject property.

Steve Clark, Utica Tower Building, is the attorney for the Gilcrease Hills Homeowner's Association. Mr. Clark presented a letter from Mr. Floyd Zook, Chairman of the District 11 Greater Tulsa Council (Exhibit "A-8") stating the opposition of the District 11 Greater Tulsa Council to this application. He informed the homeowners in the area are concerned with the increased density on the existing amenities at the Gilcrease Hills Homeowner's Association. These were designed and planned to serve a certain number of residences--doubling this number will overtax the amenities (swimming pool, tennis courts, trails, etc.). This would be detrimental to the public welfare and injurious to the neighborhood.

Applicant's Rebuttal:

Mr. Norman informed there has been no discussion about the inappropriateness of duplexes as a land use. He feels this is an appropriate land use in that area.

Comments and Questions:

Mr. Smith informed Mr. Proud that the Board is not allowed to take restrictive covenants on a plat into consideration.

Mr. Chappelle asked Mr. Norman what the square-footage of the duplexes would be, and Mr. Norman informed the planned number is 1,140 sq. ft. per side.

Case No. 12680 (continued)

Mr. Victor feels there is a great deal to be said in favor of the protestants, but he does not feel that duplex use is inconsistent with this area. Mr. Victor made a motion to approve this application, but the motion died for lack of a second.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 2-0-1 (Chappelle, Smith, "aye"; Victor, "nay"; no "abstentions"; Purser, Wait, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Under the provisions of Use Unit 1207) to allow duplex dwellings in an RS-3 zoned district under the provisions of Section 1680, on the following described property:

Lots 37-52, Block 18; Lots 22-32, Block 20; Lots 1-6, Block 21; Lots 1-28, Block 22; Lots 1-25, Block 23; Lots 1-12, Block 24; Lots 1-10, Block 25; all in Gilcrease Hills, Village II, Part of Block 19, and Part of Block 20, a Subdivision in Osage County, State of Oklahoma, according to the Recorded Plat thereof.

Case No. 12750

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Units 1217 and 1227 - Request for a variance of the frontage requirement on an arterial street from 200' to 165.5' in an IM zoned district under the provisions of Section 1670; and

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 27 - Request for an exception to permit a salvage yard in an IM zoned district under the provisions of Section 1680, located at 13603 East Apache Street.

Presentation:

Wayne Keith was represented by his attorney, Curtis L. Culver, 5136 E. 21st Street. Mr. Culver presented photographs of the property adjacent to the subject property and other property in the area. He informed the surrounding properties which immediately abut the subject property have been used for salvage yard purposes. The applicant plans to fence his salvage yard so it will not be quite as obvious and open as the surrounding ones. There is a large garage-type structure on the subject property that has been used for automobile repair work.

Protestants:

Paul Swain, 900 World Building, represented Clint Murchison and Ott Andrews who own property adjoining the subject property. He also represented Mr. Brock who owns property across the street from the subject property. Mr. Andrews and Mr. Brock are living on their property--their residences are there. Mr. Swain informed the property to the east of the subject property is a salvage yard, but it has not been approved by the Board. The salvage yard down the street has not been approved either. This would be the first salvage yard in the area that has the Board's approval, if it is granted. Mr. Andrews and Mr. Brock have lived on their property for over 20 years. Mr. Swain informed the applicant has been operating an existing salvage yard on his property.

Case No. 12750 (continued)

He presented some pictures of the subject property and the surrounding area. There used to be a sign on the property that has now been covered with plywood. He informed there is a chain link fence around the property now--you can see everything that is going on at the subject property.

Applicant's Rebuttal:

The applicant was denied a salvage license by the the State of Oklahoma until he has approval to use the property for salvage purposes. He has been operating without a license.

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 continue Case No. 12750 to the October 6, 1983, meeting to allow time for the Building Inspection Department to look into the possible violations of the other salvage yards in the area.

Case No. 12773

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1207 - Request for a variance of the setback requirement from the centerline of Madison Place from 50' to 33.5' to enclose an existing carport in an RM-2 zoned district under the provisions of Section 1670, located South of the SW corner of 60th Street and Madison Place.

Presentation:

Tom Stewart, 6014 South Madison Place, was present.

Protestants: None.

Comments:

Mr. Jones informed the Case Report was in error and this is just a minor variance from 35' to 33.5'.

The Staff informed the applicant also requested a refund of \$25, which is the difference between the charge for a major variance and the charge for a minor 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 refund \$25 to the applicant.

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 1207) of the setback requirement from the centerline of Madison Place from 35' to 33.5' to enclose an existing carport in an RM-2 zoned district under the provisions of Section 1670, on the following described property:

Lots 11 and 12, Block 1, Park City Addition, a Resubdivision of part of Block 3, Broadview Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit automobile sales in a CS zoned district under the provisions of Section 1680, located East of the SE corner of East 31st Street and 101st East Avenue.

Presentation:

Doyle Ramsey was represented by Richard Hongs, 1201 Fourth National Bank Building. Mr. Hongs informed the property is in Mingo Valley Estates Amended and is on a four-lane street. He informed the Board approved a similar case back in the summer, and then he described the surrounding area. Mr. Hongs submitted 6 photographs of the adjacent properties (Exhibit "B-1"). There is nothing on the subject property at this time. They are proposing to put 35 to 40 automobiles on the lot at a maximum. He submitted a copy of the Plot Plan (Exhibit "B-2") and the Preliminary Elevations that have been rendered on what is proposed for this facility.

Protestants:

C. S. Lewis, Suite 1500, Bank of Oklahoma Tower, was present representing the Willow Bend Apartments which are directly across the street from the subject property. The Willow Bend Apartments did not receive notice of this application, nor did they receive notice when the similar case was heard and approved in the summer. Mr. Lewis submitted 11 photographs (Exhibit "B-3") and informed this is an attractive, high-quality neighborhood, and he feels that a used car operation is not compatible with the neighborhood. Mr. Lewis feels that the existing used car lot is the one eyesore in the whole area. He informed there should be a letter in the files from the Brook Hollow Apartments protesting this application (Exhibit "B-4"). Mr. Lewis' client was not expecting to have used car lots across the street when they developed the area of apartments. He feels there is a big difference between a major new car dealer and a used car dealer. Mr. Lewis submitted a letter from the Longview Lake Estates Homeowner's Association protesting this application (Exhibit "B-5").

Mark Sherman, 320 South Boston Avenue, was present representing John Sartin, a property owner and the president of Regency Oldsmobile. He informed the CS zoned area is intended to provide convenient shopping centers for the use of the residential areas which surround the CS zoning. Automobile sales are usually found in more intense zoning. He informed that Regency Oldsmobile has been at its present location for over 10 years--prior to the development of any of the residential developments in the area. He is very concerned with flooding in the area. The City Hydrologist informed Mr. Sherman that the property is subject to a floodplain and that it is in a floodway plan.

Gerald Smith, 10202 East 31st Street, plans to open a family-oriented restaurant in the area. They did not expect a zoning exception or change, and they are concerned that there might be other similar applications for the same use granted in the area if this one is granted. They are very concerned about the floodplain issue.

Applicant's Rebuttal:

Mr. Hongs informed the Brook Hollow letter just says they would like time to consider the application. He said that their facility would not be

Case No. 12781 (continued)

like the existing used car business. The existing business is a converted filling station. The applicant is proposing an all-concrete, entirely built used-car facility. It will be aesthetically pleasing.

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 710 - Principal Uses Permitted in the Commercial Districts - Under the provisions of Use Unit 1217) to permit automobile sales in a CS zoned district under the provisions of Section 1680, on the following described property:

Lot 1, Block 1, Mingo Valley Estates Amended Addition in Tulsa County, Oklahoma.

Case No. 12785

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit Automotive and Allied Activities (sales, service, and installation of products for 4-wheel drive vehicles) in a CS zoned district under the provisions of Section 1680; and a Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the frontage requirement from 150' to 50' in a CS zoned district under the provisions of Section 1670, located at the NE corner of Admiral Place and South 177th East Avenue.

Presentation:

Mike Taylor, 5359 South Sheridan Road, represented the applicant, Steve Sharples. He submitted a plot plan (Exhibit "C-1") and informed the Planning Commission has approved the CS zoning, but it has not yet gone to the City Commission. They have a preliminary plat before the Planning Commission requesting the five acres be subdivided into three lots because of the exceptional topography and the drainage on the west side of the property--the hardship is that they have a problem with utilizing this tract of land to its maximum potential. The property is subject to a plat which is subject to the Board of Adjustment approval of the 50-foot frontage for access. There will be a parts store on the lot which is strictly for four-wheel drive vehicles.

Protestant:

Margaret Frommel, 17929 East Admiral Place, is concerned with what is going on in the area.

Comments:

Mr. Gardner told about the zoning patterns in the area and how it has come about.

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 continue Case No. 12785 to the October 20, 1983, meeting to allow the Board members time to view the site and to allow time for the zoning change request to be heard by the City Commission.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12788

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 100' to 76'; a variance of lot area from 13,500 sq. ft. to two lots having areas of 10,546 sq. ft. and 12,876 sq. ft. respectively, and a variance of land area from 16,000 sq. ft. to 15,076 sq. ft. and 15,726.2 sq. ft. respectively, to permit a lot-split in an RS-1 zoned district under the provisions of Section 1670, located at the SE corner of East 47th Street South and Columbia Place.

Presentation:

Gloria O'Brien, 1223 East 21st Place, submitted survey maps (Exhibit "D-1") to show the intended lot-split dimensions. She was informed that the Planning Commission denied this application at their September 21, 1983, meeting. She was not aware that the case was to be heard by the Planning Commission. Ms. O'Brien informed there is another lot in the area of similar size-- the lot-split for this was approved by the Board in December, 1981.

Protestants: There were protestants present.

Comments:

Mr. Gardner informed lot-splits that have not been approved by the Planning Commission are not minor in nature.

Mr. Jackere informed he does not think the Board has the jurisdiction to hear this case, since this is a major variance and it was advertised as minor.

Mr. Gardner informed the Planning Commission denial was based on the fact that there are no other lots in the immediate area that are of the same size or configuration as what is being requested in this case. They felt it was inappropriate.

Mr. Jackere informed Ms. O'Brien can appeal the Planning Commission's decision within 10 days of the denial. She could come back with her request if she got the approval of District Court for the lot-split.

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 table Case No. 12788.

Case No. 12791

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1207 - Request for a variance of the side yard requirement from 10 feet to 0 feet to permit splitting existing duplexes in an RM-1 zoned district under the provisions of Section 1670, located at the SE corner of East 39th Street and South 130th East Avenue.

Presentation:

Melvin Spreitzer was represented by Marvin Lloyd, 3903 South 130th East Avenue, who informed this is an existing structure. This case was heard and approved by the Planning Commission on September 21, 1983.

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Case No. 12791 (continued)

Protestants: None.

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 1207) of the side yard requirement from 10 feet to 0 feet to permit splitting existing duplexes (L-15947) in an RM-1 zoned district under the provisions of Section 1670, on the following described property:

Lot 3, Block 12, Park Plaza East III Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12793

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 requirement from 5 feet to 4 feet to permit an addition on an existing residence in an RS-3 zoned district under the provisions of Section 1670, located South of the SE corner of Newton Street and Vandalia Avenue.

Presentation:

Joe Lingle, 4901 West 11th Street, submitted a plot plan (Exhibit "E-1").

Protestants: None.

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 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 requirement from 5 feet to 4 feet to permit an addition on an existing residence in an RS-3 zoned district under the provisions of Section 1670, per plot plan, on the following described property:

Lot 22, Block 7, Morgan Homes Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12795

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 30th Place from 50 feet to 40 feet to permit extension of an existing attached garage in an RS-3 zoned district under the provisions of Section 1670, located at the SE corner of 30th Place and Madison Avenue.

Presentation:

John Gelino, 1004 East 30th Place, submitted 3 pictures (Exhibit "F-1") and a plot plan (Exhibit "F-2"). He informed he is building a porch, as well as extending his garage. He has already poured the footings.

Case No. 12795 (continued)

Protestants: None.

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 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 30th Place from 50 feet to 40 feet to permit extension of an existing attached garage in an RS-3 zoned district under the provisions of Section 1670, per plot plan, on the following described property:

Lot 4, Block 3, Adams and Reddin Resubdivisions of Blocks 2 and 3 Southmoor Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12797

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 four lots having widths of 39.2', 42.1', 38.7' and 35.8' respectively, in an RS-3 zoned district 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 frontage requirement on a public street or dedicated right-of-way from 30' to four lots having frontages of 5.8' each to permit a lot-split in an RS-3 zoned district under the provisions of Section 1670, located at the SE corner of West 48th Street and South 26th West Avenue.

Presentation:

Jack Stacy, 9640 East 25th Street, is a builder and would like to construct five new homes in the Carbondale area. He submitted plats (Exhibit "G-1") and presented drainage maps.

Protestants: There were several protestants present.

Comments:

Mr. Smith informed he has a conflict with this case, and thus would have to abstain from voting--this would leave the Board without the required three affirmative votes.

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 continue Case No. 12797 to the October 6, 1983, meeting.

Case No. 12805

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 front setback requirement from 35' to 31' to permit construction of a porte cochere in an RS-1 zoned district under the provisions of Section 1670, located South of the SE corner of East 113th Street South and South Granite Ave.

Case No. 12805 (continued)

Presentation:

Roy Hinkle, Suite 100, 7030 South Yale Avenue, submitted a plot plan (Exhibit "H-1").

Protestants: None.

Comments:

Mr. Smith informed the lot has an irregular shape.

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 1206) of the front setback requirement from 35' to 31' to permit construction of a porte cochere in an RS-1 zoned district under the provisions of Section 1670, per plot plan, on the following described property:

A part of Lot 5 and all of Lot 6 of Block 3 of "Hudson Meadows", an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official Recorded Plat thereof, said part of Lot 5 being more particularly described as follows:

Beginning at the Southeast corner of Lot 5, Block 3 of "Hudson Meadows", an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official Recorded Plat thereof; thence North $80^{\circ}-41'-16''$ West along the South line of said Lot 5 a distance of 278.69' to the Southwest corner of said Lot 5; thence along the West line of said Lot 5 on a curve to the right having a central angle of $10^{\circ}-45'-58''$; a radius of 75.00'; an initial tangent bearing of North $36^{\circ}-52'-12''$ West a distance of 14.09' to a point; thence due East a distance of 282.37' to a point on the East line of said Lot 5; thence due South along the East line of said Lot 5 a distance of 57.09' to the point of beginning. Lot 6, Block 3 and the above described part of Lot 5, Block 3 contains 58,215.62 square feet or 1.336 acres, more or less.

NEW APPLICATIONS:

Case No. 12789

Action Requested:

Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 15 - Request for a use variance to permit existing fencing company to operate in an OL zoned district under the provisions of Section 1670, located south of the SW corner of Apache Street and Peoria Avenue.

Presentation:

Herbert Carter, 2544 North Peoria Avenue, informed there is an existing office building on the subject property. There will be some construction of partial fences on the subject property. Mr. Carter described the surrounding area and that fact that his lot was adjacent to commercial zoning. There is a screening fence at the back of the subject property and a chain link fence on each side of the property.

Case No. 12789 (continued)

Protestants: None.

Comments:

Ms. Hubbard advised the field inspector viewed the subject property and noted that there were fencing materials stored on the property. She informed the applicant had been denied a use permit (zoning clearance).

Mr. Gardner informed the zoning in the entire area is a mixture of commercial, office and residential. He described the zoning in the area.

Discussion ensued as to what the applicant's screening requirements would be.

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 610 - Principal Uses Permitted in Office Districts - Under the provisions of Use Unit 15) to permit existing fencing company to operate in an OL zoned district under the provisions of Section 1670, with the conditions that a screening fence be erected along the south extending to the front of the building and that any work that goes on be done inside the screened area behind the front of the office building, on the following described property:

Lot 1, Block 2, Emerson Addition, in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12790

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit a mobile home in an RM-1 zoned district under the provisions of Section 1680, located South of the Southeast corner of Ute Place and Darlington Place.

Presentation:

Glenda Lewin, 2023 North Darlington Place, made application for a mobile home to be put on the subject property in 1980, but she never got the mobile home put on the property because they did not have improvements. The property is on sewer.

Protestants: None.

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 approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the provisions of Use Unit 1209) to permit a mobile home in an RM-1 zoned district under the provisions of Section 1680, one-year removal bond required and subject to the Health Department approval, on the following described property:

Lots 19, 20, 21 and 22, Block 23, Amended Plat of the Town of Dawson, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance - Section 240.2 (e) - Yards - Permitted Yard Obstructions - Use Unit 1206 - Request for a variance to permit constructing a 768 sq. ft. detached accessory building in the rear yard of an existing residence located in an RS-3 zoned district under the provisions of Section 1670, located east of the SE corner of East 12th Street and 145th East Avenue.

Presentation:

James Mautino, 14628 East 12th Street, submitted a drawing of the proposed building (Exhibit "I-1") and informed it will be 24' by 32' in size. The applicant plans to have storage upstairs. On the lower level will be 20' for storage and a shop area and 12' for an art studio for his wife. He submitted 2 aerial photographs of the area (Exhibit "I-2") to show that this is not inconsistent with the surrounding buildings. The proposed building will be 19 feet high. Mr. Mautino submitted pictures of some of the buildings in the area that he feels are along the same line as his will be (Exhibit "I-3"). He does not feel that the building height is inconsistent with the area. He has already started construction on the building--some of his neighbors have helped him. He submitted a list of names of people who do not object to this application (Exhibit "I-4").

Protestants:

Mrs. Johnnie Salyer, 14657 East 12th Street, lives three houses east of the subject property. She had many questions that she wanted to ask the applicant. She is concerned with the size of the building. She submitted a list of names of people in the neighborhood who object to the building (Exhibit "I-5"). She is concerned that the building will be used as an apartment for one of Mr. Mautino's children. She is also concerned this will set a precedent for other buildings in the neighborhood. She feels this could be a serious health hazard in the neighborhood because of inadequate septic systems. She does not want large structures in the neighborhood.

Bill Salyer, 14657 East 12th Street, objects to this application because of the septic tank problem. He informed there is a camper on the subject property that is hooked up to electricity--he does not know if somebody is living in it.

Applicant's Rebuttal:

Mr. Mautino informed he needs storage room for his late mother's possessions. He informed there is no one living in his camper and he is not planning to build an apartment. He informed there are larger structures in the area. There will be a pull-down ladder to get up to the second floor, and there will be no windows on the second floor except for some skylights. The building is 9' from the rear property line and 12' from the side. The neighbors immediately adjacent to the subject property do not object to the building. The building is not built over the present lateral lines. He informed he is using his garage for storage right now. There will be a bathroom in the building, but there will not be a kitchen.

Comments and Questions:

Mr. Victor felt this was something over and above an accessory use.

Mr. Gardner informed the Staff has a problem with whether this is really a customary accessory use.

Case No. 12792 (continued)

Ms. Hubbard is concerned with the size of the building.

Mr. Jackere advised the Board has the power to approve the properly advertised request--up to 768 square feet; however, the applicant is proposing 2 levels which exceed the 768 sq. ft.

Mr. Victor had a question as to whether a detached art studio is a customary accessory use to a residence.

Discussion ensued as to whether this was a customary accessory structure.

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 240.2 (3) - Yards, - Permitted Yard Obstructions - Under the provisions of Use Unit 1206) to permit constructing a 768 sq. ft. detached accessory building in the rear yard of an existing residence located in an RS-3 zoned district under the provisions of Section 1670, on the following described property:

Lot 6, Block 3, Carol Acres Addition, Tulsa, Tulsa County, Okla.

Case No. 12794

Action Requested:

Special Exception - Section 220 - Height Exceptions - Use Unit 1206 - Request for an exception to permit erecting an electric windmill with a 93.5 foot height in an RS-3 zoned district under the provisions of Section 1680; and a Variance - Section 420.1 - Accessory Uses in Residential Districts - Accessory Uses Permitted - Request for a variance to permit erecting an electric windmill in the rear yard in an RS-3 zoned district under the provisions of Section 1670, located east of the SE corner of South 69th East Avenue and East 17th Street.

Presentation:

Justin Whitney, 6920 East 17th Street, informed he has done much research in the area of electric windmills in order to find one that would fit his needs. His immediate adjoining neighbors have no problems with the application. He described the machine which he was interested in building as far as safety, television and radio interference, and accoustic noise. Of the people in the area, two were against the application because of the aesthetics. He submitted 5 photographs of machines that are installed (Exhibit "J-1").

Protestants:

There were 5 letters sent protesting the application (Exhibits "J-2", "J-3", "J-4", "J-5", and "J-6"), but no protestants were present.

Comments:

There was discussion as to what the machine would do if the winds were very strong. Chairman Smith asked Mr. Whitney why the tower needed to be so high, and Mr. Whitney gave him several reasons, one of which was the matter of accoustics. Mr. Smith informed his problem with the application was the matter of aesthetics.

Case No. 12794 (continued)

Mr. Jackere advised the Board has to determine if this is a customary and accessory structure on a residential lot. If it is not, there must be a hardship shown.

Mr. Gardner informed according to INCOG studies, windmills are most effective and efficient at 90 feet of height. The real question is where to put these windmills. AG Districts and Industrial Districts are appropriate, but height is a real concern in residential zoned areas.

The applicant informed there has already been one permit issued by the BOA for a windmill. Construction has not yet been started on this machine.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 1-2-0 (Victor, "aye"; Chappelle, Smith, "nay"; no "abstentions"; Purser, Wait, "absent") to approve a Special Exception (Section 220 - Height Exceptions - Under the provisions of Use Unit 1206) to permit erecting an electric windmill with a 93.5 foot height in an RS-3 zoned district under the provisions of Section 1680; and a Variance (Section 420.1 - Accessory Uses in Residential Districts - Accessory Uses Permitted) to permit erecting an electric windmill in the rear yard in an RS-3 zoned district under the provisions of Section 1670, on the following described property:

Lot 12, Block 2, Leisure Lanes Addition, Tulsa, Tulsa County, Okla.

The Chairman advised that the motion to approve this application failed due to the lack of three (3) affirmative votes--the application is denied.

Case No. 12796

Action Requested:

Special Exception - Section 1680.1 (g) - Off-Street Parking Use of Property Within a Residential District, When the Property is Abutting an Office, Commercial, or Industrial District - Use Unit 1209 - Request for an exception to permit off-street parking for church use on two lots abutting CS zoned property in an RS-3 zoned district under the provisions of Section 1680, located north of the NW corner of 36th Street and Indianapolis Avenue.

Presentation:

Robert Pierson was represented by Carl Young, 3908 South Lewis Place, who informed the church would like to remove the houses on the subject property so they can use the property for additional parking--it would give them 52 additional spaces. The applicant has met with many of the people in the neighborhood and has agreed to not have parking on the subject property in the early morning or late at night. He submitted a petition signed by some of the neighbors and several members of the church supporting this application (Exhibit "K-1"). He also submitted a letter from the minister of the church stating they would like to have the variance granted (Exhibit "K-2"). This will take a lot of parking off the streets in the area.

Protestants: None.

Case No. 12796 (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 approve a Special Exception (Section 1680.1 (g) - Off-Street Parking Use of Property Within a Residential District, When the Property is Abutting an Office, Commercial, or Industrial District - Under the provisions of Use Unit 1209) to permit off-street parking for church use on two lots abutting CS zoned property in an RS-3 zoned District under the provisions of Section 1680, on the following described property:

Lots 1 and 2, Block 4, Eisenhower Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12798

Action Requested:

Variance - Section 206 - Number of Dwelling Units on a Lot - Use Unit 1209 - Request for a variance to permit two dwelling units on one lot of record (one existing residence, plus one proposed mobile home) in an AG zoned district under the provisions of Section 1670; and an Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Request for an exception to permit locating a mobile home in an AG zoned district under the provisions of Section 1680, located east of the NW corner of Delaware Avenue and 41st Street North.

Presentation:

Gary Buckmaster, 1342 East 54th Street North, would like to place a mobile home on the subject property. The existing residence on the property is occupied by the applicant's mother. The property is on sewer.

Protestants: None.

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 approve a Variance (Section 206 - Number of Dwelling Units on a Lot - Under the provisions of Use Unit 1209) to permit two dwelling units on one lot of record (one existing residence plus one proposed mobile home) in an AG zoned district under the provisions of Section 1670, and an Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to permit locating a mobile home in an AG zoned district under the provisions of Section 1680, on the following described property:

The E/2 of the W/2 of the SE/4 of the NW/4, LESS the North 264'; LESS the South 264' of the West 165', LESS the South 30' for Street, Section 17, Township 20 North, Range 13 East, Tulsa, Tulsa County, Oklahoma.

Case No. 12799

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit a mobile home in an RS-3 zoned district under the provisions of Section 1680; and a Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to permit two dwellings (one existing residence and one existing mobile home) on one lot of record in an RS-3 zoned district under the provisions of Section 1670; and a Variance - Section 440.6 (a) (c) (d) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the one-year time limitation, a variance of the required removal bond, and a variance of the removal contract to permit permanent occupancy of an existing mobile home in an RS-3 zoned district under the provisions of Section 1670, located at the NE corner of 45th Street North and Delaware Avenue.

Presentation:

Vernon Smife, P. O. Box 48600, represented the applicant and informed there has been one-year approval for this mobile home. The applicant will skirt the mobile home and make it permanent. The property is on sewer.

Protestants: None.

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 permit a mobile home in an RS-3 zoned District under the provisions of Section 1680; a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to permit two dwellings (one existing residence and one existing mobile home) on one lot of record in an RS-3 zoned district under the provisions of Section 1670; and a Variance (Section 440.6 (a) (c) (d) - Special Exception Uses in Residential Districts, Requirements) of the one-year time limitation, the required removal bond; and a variance of the removal contract to permit permanent occupancy of an existing mobile home in an RS-3 zoned district under the provisions of Section 1670, on the following described property:

Lot 12, Block 3, Lakeview Heights Amended Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12800

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request for a variance of the frontage requirement from 75' to 0' to permit office building lots in an office park to front on a private street in an OL zoned district under the provisions of Section 1670, located at the SW corner of East 53rd Street and South Memorial Avenue.

Presentation:

William Jones, 201 West 5th Street, Suite 400, informed the property is in process of being platted. Six of the lots front on Memorial and do not need this variance, but the other six on the back portion of the narrow tract do need the variance in order to have a private street to

Case No. 12800 (continued)

serve the lots. The lots are over 100' wide. The plat was approved subject to obtaining this variance. There is a mutual access agreement between all the property owners.

Protestants: None.

Comments:

Mr. Gardner informed from a planning standpoint this is what they have been trying to get developed on this piece of property--quality offices. The people in the neighborhood are wanting a quality office project. He feels that a private street is appropriate if that is the way they choose to go.

There was some question as to whether the legal description was advertised correctly. It was, but the Case Map was in error.

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 630 - Bulk and Area Requirements in the Office Districts - Under the provisions of Use Unit 1211) of the frontage requirement from 75' to 0' to permit office building lots in an office park to front on a private street in an OL zoned district under the provisions of Section 1670, subject to the approved plat, on the following described property:

Lot 1, Block 14, SOUTHERN PLAZA ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, LESS and EXCEPT the following described portion thereof, to wit:

BEGINNING at the Southeast corner of said Lot 1; thence South $89^{\circ}-49'-51''$ West along the North line of East 55th Street South, a distance of 49.83' to a point; thence along a curve to the left, with a central angle of $8^{\circ}-06'-05''$ and a radius of 1,720.00', a distance of 243.20' to a point; thence South $81^{\circ}-43'-46''$ West a distance of 7.52' to the Southwest corner of said Lot 1; thence North $0^{\circ}-10'-09''$ West along the West line of said Lot 1, a distance of 194.86' to a point; thence North $89^{\circ}-49'-51''$ East a distance of 299.67' to a point on the East line of Lot 1; thence South $0^{\circ}-10'-09''$ East a distance of 176.64' to the POINT OF BEGINNING.

Case No. 12801

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit constructing a mini-storage facility in a CS zoned district under the provisions of Section 1680, located at the SW corner of 31st Street and South Jamestown Avenue.

Presentation:

Bill McKay, 5829 South 78th East Avenue, informed he has not been able to utilize the property behind his service station on the subject property. He submitted 6 pictures of the property (Exhibit "L-1") and a drawing showing how the buildings would be (Exhibit "L-2"). The buildings will be 10 to 12 feet high and will be built of cement blocks--

Case No. 12801 (continued)

they will be conducive to his service station in respect to their appearance. Mr. McKay plans to build eleven 10' to 20' units and then some 5' by 10' units. He plans on closing the storage area at night.

Protestants:

Doug Dixon, 3051 East 31st Street, is located on the northeast corner of the intersection of the subject property. He is concerned that this seems to be an incompatible use of this particular location with the surrounding office buildings and the upgrading of commercial establishments in the area.

Interested Party:

Bob Selman, 5212 South Columbia Place, is the architect engaged by Mr. McKay. They plan on making the buildings compatible with the area.

Applicant's Rebuttal:

The applicant informed there will be no outside storage.

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 710 - Principal Uses Permitted in the Commercial Districts - Under the provisions of Use Unit 1217) to permit constructing a mini-storage facility in a CS zoned district under the provisions of Section 1680, on the following described property:

The East 140' of the North 140' of Block 3, Albert Pike Addition, Tulsa, Tulsa County, Oklahoma.

Comments:

When asked the reasons for denial, Mr. Smith stated he felt the use is out of character with the neighborhood, and Mr. Victor was concerned with the precedence it could set.

Case No. 12802

Action Requested:

Variance - Section 420.2 (d) 2 - Accessory Uses in Residential Districts - Accessory Use Conditions (Signs) - Use Unit 1205 - Request for a variance of the maximum surface area permitted for an identification sign from 32 sq. ft. to 58 sq. ft. to permit erecting a sign in an RS-3 zoned district under the provisions of Section 1670, located west of the NW corner of Lewis Avenue and 48th Street North.

Presentation:

Richard Craig, 4307 South Hickory Place, Broken Arrow, submitted a drawing of the sign (Exhibit "M-1") and 3 photographs of the building and of the finished sign (Exhibit "M-2"). The church was given permission by the City to allow temporary installation of the sign for the dedication of the church building. Part of the sign is lighted.

Protestants: None.

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, 9.22.83:396(18)

Case No. 12802 (continued)

Wait, "absent") to approve a Variance (Section 420.2 (d) 2 - Accessory Uses in Residential Districts - Accessory Use Conditions (Signs) - Under the provisions of Use Unit 1205) of the maximum surface area permitted for an identification sign from 32 sq. ft. to 58 sq. ft. to permit erecting a sign in an RS-3 zoned district under the provisions of Section 1670, on the following described property:

The West 430' of the S/2 of the SE/4 of the NE/4 of the SE/4 of Section 7, Township 20 North, Range 13 East, LESS and EXCEPT the South 25' thereof, Tulsa, Tulsa County, Oklahoma.

Case No. 12803

Action Requested:

Variance - Section 420.2 (d) 1, 2 - Accessory Uses in Residential Districts - Accessory Use Conditions (Signs) - Request for a variance of the maximum surface area permitted for an identification sign from 32 sq. ft. to 41 sq. ft.; a variance of the maximum bulletin board surface area from 12 sq. ft. to 45 sq. ft.; and a variance of the maximum sign height from 15' to 18' to permit erecting a sign in an RS-2 zoned district under the provisions of Section 1670, located at the SE corner of East 55th Street and Harvard Avenue.

Presentation:

Richard Craig, 4307 South Hickory Place, Broken Arrow, presented a large drawing of the proposed sign to show how it will appear. He described the different sections of the sign. There is an existing small sign on 55th Street. The proposed sign is 13' wide.

Protestants: None.

Interested Party:

Raymond Losornio, 784 East 79th Street, is a member of the church on the subject property. He informed the sign will be in the very center of the church property lot. It will be next to the property line. He informed they plan to keep the small sign on 55th Street. The existing sign is 4' by 8'. He described the surrounding area.

Comments:

Mr. Victor informed he has a problem with the size of the bulletin board section of the proposed sign.

The applicant informed the sign inspector told him that the other sign could remain as long as it is on another street.

Mr. Jackere reminded the Board that a variance does require the finding of a hardship.

Mr. Smith would like the proposed sign reduced in size or the existing sign removed.

There was discussion as to what the Board has the authority to do.

Mr. Jackere said maybe the hardship is that the size of the tract is very large and it is located at an intersection.

Case No. 12803 (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 continue Case No. 12803 to the October 6, 1983, meeting to allow time for the Board members to view the site. The Board requested the applicant bring a site plan when he returns in two weeks.

Case No. 12804

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 Quincy Avenue from 50 to 40 feet to permit a residence in an RS-3 zoned district under the provisions of Section 1670, located south of the SE corner of 28th Street North and Quincy Avenue.

Presentation:

T. Gavin King, Route 7, Box 140, Claremore, Oklahoma, informed the applicant moved a house on the subject property. The concrete footings were poured beyond the setback line by 7 feet. He does not believe any violence will be done to the character of the neighborhood by granting this variance. The neighborhood is rather depressed. Mr. King feels the violation is barely discernable as a matter of visual fact. There is a large unimproved vacant field across the street from the subject property. They are asking for 10 feet as opposed to 7 feet so the applicant can put steps in the front of the house. Mr. King informed the house is a little bit in front of the other houses on the same side of the street, but in his opinion it is imperceptibly so. There is not very much difference in his opinion. The applicant plans to renovate and rent the house on the subject property.

Protestants: None.

Comments:

Ms. Hubbard informed the house was moved on the subject property without a moving permit or an inspection. The applicant had been told that a moving permit was issued on July 21, 1983--No. 2431. Ms. Hubbard submitted a memorandum from Ed Rice (Exhibit "N-1").

There was discussion as to what type of footing had been poured on the property.

Mr. Victor is not sure that a hardship exists for the variance to be granted. He feels the applicant has some redress against the person who put the footing in the wrong place.

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 1206) of the setback requirement from the centerline of Quincy Avenue from 50 to 40 feet to permit a residence in an RS-3 zoned district under the provisions of Section 1670, on the following described property:

Case No. 12804 (continued)

Lot 3, Block 2, Winstead Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12806

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 front setback requirement from 45th Street South from 35' to 21.5' and a variance of the rear setback requirement from 25 ft. to 15 ft. to permit additions to an existing residence in an RS-1 zoned district under the provisions of Section 1670, located at the SE corner of South Lewis Place and East 45th Place South.

Presentation:

Mike Taylor, 5359 South Sheridan Road, submitted a plot plan (Exhibit "0-1") and informed the applicant would like to remodel the existing one-story brick house. They meet or exceed the livability space and the other bulk and area Code requirements.

Protestants: None.

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 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 front setback requirements from 45th Street South from 35' to 21.5' and a variance of the rear setback requirement from 25' to 15' to permit additions to an existing residence in an RS-1 zoned district under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 6, Barrow's Orchard Acres Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12807

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture Districts - Use Unit 1205 - Request for an exception to permit a church in an AG zoned district under the provisions of Section 1680, located east of the SE corner of Yale Avenue and 101st Street.

Presentation:

Ed Everett, 7443 East 68th Street, informed the Southern Hills Church of Christ is requesting an exception to construct a church building on 6 1/2 acres. He submitted a plat (Exhibit "P-1") and informed the first phase of development will consist of a facility which includes an auditorium for approximately 600 people and educational spaces for that same number. The entire site consists of 28 acres. The entire facility will eventually be for about 2,000, but this program will take a minimum of five years to complete. There are no plans of having a school at this location at this time, but they would like to leave the option open of having a daycare facility and possibly a school in the future.

Protestant:

Mrs. Olsen, 5685 East 101st Street, feels that the area is getting too congested.

Case No. 12807 (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 approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Under the provisions of Use Unit 1205) to permit a Church in an AG zoned district under the provisions of Section 1680, the approval being contingent upon the conceptual plans as presented, that there be no school (would require a specific application for school) and that the number of children in day care be limited to 50, that any future additions would require Board approval, and that when final architectural plans are available, the applicant will come back before the Board for approval of plans, on the following described property:

A tract of land beginning at a point 396' East of the Northwest corner of the East-Half of the NW/4 (E/2 NW/4) of Section 27, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof; thence East a distance of 429'; thence South a distance of 1,320'; thence West a distance of 429'; thence North a distance of 1,320' to the point of beginning, such dimensions equating to 13 acres.

Case No. 12809

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit construction equipment sales and service in a CS zoned district under the provisions of Section 1680.

Request for Refund of Fees:

Request for refund of fees located at the NW corner of 72nd East Avenue and Admiral Place.

Presentation:

Tim Edmondson, 5224 South Lawton Avenue, informed that on July 14, 1983, the Board approved a variance to the setback requirements in a CS zone from 25' to 0' so Dyer Construction Company could add an addition to their building. The Staff later found that the existing business is a nonconforming use in a CS zone. He feels his fees should be refunded because this could have been taken care of at the previous meeting.

Protestants: None.

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 refund \$50 to the applicant.

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 710 - Principal Uses Permitted in the Commercial Districts - Under the provisions of Use Unit 1217) to permit construction equipment sales and service in a CS zoned district under the provisions of Section 1680, on the following described property:

Case No. 12809 (continued)

Polston Subdivision Amended Lot 2, LESS beginning at the NW corner of Lot 2; thence South 187.75'; thence Southeast 380.51'; thence North 305.29'; thence West 361.9' to the point of beginning and LESS the South 30' of Lot 2, Tulsa, Tulsa County, Oklahoma.

There being no further business the meeting was adjourned at 6:19 p.m.

Date of Approval _____

10/21/83


Chairman