

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 397
Thursday, October 6, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Chappelle
Purser (in at 2:33 p.m.)
Smith
Victor (out at 1:32 p.m.)
Wait

STAFF PRESENT

Gardner
Jones
Wiles

OTHERS PRESENT

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, October 4, 1983, at 11:07 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 1:12 p.m.

UNFINISHED BUSINESS:

Case No. 12681

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential District - 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, P. O. Box 1046, informed this case has been continued several times to allow time for the Brookside Study to be completed by the Staff. Her attorney called the protestants to ask for a continuance until after the Planning Commission hearing about the Study.

Protestants: None.

Comments:

Mr. Gardner informed the Brookside Study has been completed and presented to the Planning Commission, but the Planning Commission has not held a hearing to consider adopting the Study. The hearing will be held October 19, 1983.

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 November 3, 1983, meeting.

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 feet to 165.5 feet in an IM zoned district - Under the provisions of Section 1670; and a 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:

The attorney for Wayne Keith, 13603 East Apache Street, requested by letter (Exhibit "A-1") that this case be continued. The protestants did not object to the request.

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. 12750 to the October 20, 1983, meeting.

Case No. 12768

Action Requested:

Variance - Section 1208.4 - Multifamily Dwelling and Similar Uses - Off-Street Parking and Loading Requirements - Use Unit 1208 - Request for a variance to reduce the required number of parking spaces from 110 to 86 in an RM-1 zoned district - Under the provisions of Section 1670, located south of the SE corner of 61st Street and Yorktown Avenue.

Presentation:

Michael Gibbons, 201 West 5th Street, Suite 400, described how their problem arose due to the sale of some property which used to be part of the subject property. Twenty parking spaces for the condominiums were on the piece of property which is no longer owned by the condominiums association. Mr. Gibbons informed they have figured out how to get 102 parking spaces on the existing property, so they would like to amend the application to reduce the number of required parking spaces from 110 to 102 rather than 86. He submitted a plot plan (Exhibit "B-1") and presented some pictures showing parking on the subject property. The present occupancy rate of the condominiums is 98 percent. There are 64 dwellings. The proposed parking spaces are for full-sized cars.

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 1208.4 - Multifamily Dwelling and Similar Uses - Off-Street Parking and Loading Requirements - Under the provisions of Use Unit 1208) to reduce the required number of parking spaces from 110 to 102 in an RM-1 zoned district - Under the provisions of Section 1670, per plot plan, on the following described property:

Case No. 12768 (continued)

All of Lots 2, 3 and 4, of Block 1, Sherwood Park, a Resubdivision of Lot 5, Pecan Acres Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, and a portion of Lot 4 of Pecan Acres Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows to wit: Beginning at the Southwest corner of Lot 4 of said Pecan Acres Addition; thence due North along the West line of said Lot 4 a distance of 27.0'; thence North 62°-00'-00" East a distance of 23.72'; thence North 28°-01'-28" West a distance of 21.07'; thence West a distance of 11.04' to a point on the West line of said Lot 4; thence North along the West line of Lot 4 a distance of 128.26'; thence East a distance of 2'; thence due North a distance of 26'; thence West a distance of 2'; thence due South a distance of 210.99' to the point of beginning.

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 feet 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, would like to build five new homes on the subject property. He submitted a neighborhood development plan (Exhibit "C-1") and a plat of survey (Exhibit "C-2"). He is going to develop the lots himself and is going to put in a sewer line extension and a new water line. There will be a private street which will be maintained by the property owners. This has been approved by F.H.A. and was approved by the Planning Commission on September 7, 1983. The smallest home will have 1,003 square feet and the largest will have 1,051 square feet. All of the homes will have two-car garages and 18 foot-wide driveways. All of the lots meet or exceed the minimum of 6,900 square feet.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; 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 feet 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 (L-15929) - Under the provisions of Section 1670, and a Variance (Section 207 - Street Frontage Required) of the 30-foot frontage requirement on a public street or

Case No. 12797 (continued)

dedicated right-of-way from 30 feet to four lots having frontages of 5.8 feet each to permit a lot split (L-15929) in an RS-3 zoned district - Under the provisions of Section 1670, per plot plan submitted, on the following described property:

Beginning at the Northwest corner of the East-Half (E/2) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4); thence East 150'; thence South 300'; thence West 150'; thence North 300' to the point of beginning, in Section Twenty-seven (27), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

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.; and 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, was present representing Craig Neon Sign Company.

Mr. Raymond Lusornio, 7841 East 79th Street, representing the Woodland Acres Baptist Church, submitted a plot plan (Exhibit "D-1") and a plan for the sign (Exhibit "D-2") and informed this is part of a four-phase building program. He showed where the sign would be placed on the property--at the midway section of their property line. Mr. Lusornio presented an architectural rendering of what the property will be like and showed where the sign would be placed. They relocated the old sign so that it is on 55th Street. The sign will not overhang the right-of-way. It is 18 feet high and 13 feet wide. He informed the sign will not look out of proportion because of the size of the lot--3½ acres. They want a sign that will be visible to people travelling down Harvard, and they are concerned that if it is too small, people will not be able to read it. The sign will set about 80 feet from the building.

Mr. Jim Gerlt, Minister, 5657 South 88th East Avenue, informed the present sign is too small to be adequate to meet their needs. The Fire Marshal informed them they needed to do a better job of marking their building. He informed there is a creek on the south side of the subject property with trees by it which serve as a natural barrier between the subject property and the housing to the south.

Protestants: None.

Comments:

Mr. Gardner told how much the applicant would be over what is permitted. The variance is for 30 additional square feet than is permitted.

Mr. Wait stated that he was having a hard time justifying the additional size and the size of the logo on the sign.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 420.2 (d) 1 & 2 - Accessory Uses in Residential Districts - Accessory Use Conditions (Signs) 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, per site plan submitted, on the following described property:

All that part of the SW/4 of the NW/4 of Section 33, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, particularly described as follows, to wit: Beginning at a point in the West Boundary of said SW/4 of the NW/4, 230 feet from the Southwest corner thereof; thence North 0°-02'-00" East along the West Boundary of said SW/4, NW/4 a distance of 506.00'; thence South 89°-58'-00" East along the South right-of-way line of 55th Street a distance of 80.00'; thence to the left on a curve of radius 1,697.39' along the South right-of-way line of 55th Street a distance of 252.03'; thence South 11°-30'-03" East a distance of 504.36'; thence South 64°-54'-53" West a distance of 71.74'; thence North 89°-58'-25" West parallel to and 230' from the South Boundary of said SW/4 of the NW/4 a distance of 367.00' to the point of beginning, containing 4.501 acres.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12808

Action Requested:

Variance - Section 340.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1207 - Request for a variance of lot width from 60' to 47.2', 50.2', 44.7' & 47.8' respectively, a variance of lot area from 6,900 to 5459, 5757, 5175 and 5487 square feet; a variance of land area from 8400 to 6643, 7006, 6300 and 6677 square feet; a variance of livability space per dwelling unit from 4000 to 2783, 2982, 2770 and 2811 square feet; a variance of the rear yard setback from 20 to 17.8, 15.7 and 17.8 feet; and a variance of the side yard requirement from 5 to 0, 4.9 and 4.8 feet to permit splitting 2 existing duplexes in an RS-3 zoned district - Under the provisions of Section 1670, located south and east of the SE corner of East 81st Street South and Delaware Avenue.

Presentation:

The applicant, Chuck Ramsey, 5401 South Sheridan Road, Suite 404, was not present.

Protestants: None.

Comments:

Mr. Gardner informed the lot splits were approved by the Planning Commission on October 5, 1983.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "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 lot width from 60' to 47.2', 50.2', 44.7' and 47.8' respectively; a variance of lot area from 6900 to 5459, 5757, 5175 and 5487 square feet; a variance of land area from 8400 to 6643, 7006, 6300 and 6677 square feet; a variance of livability space per dwelling unit from 4000 to 2783, 2982, 2770 and 2811 square feet; a variance of the rear yard setback from 20 to 17.8', 15.7' and 17.8'; and a variance of the side yard requirement from 5' to 0', 4.9' and 4.8' to permit splitting 2 existing duplexes (L-15953) in an RS-3 zoned district - Under the provisions of Section 1670, on the following described property:

Lots 3 and 4, Block 2, Southwood Terrace Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12811

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 44.5' and 50.5'; a variance of land area from 8400 sq. ft. to 5562.5 sq. ft.; a variance of lot area from 6900 sq. ft. to 4450 sq. ft. and 5050 sq. ft.; a variance of livability space per dwelling unit from 4000 sq. ft. to 2600 sq. ft. and 3200 sq. ft.; and a variance of the side yard requirement from 5' to 0' to permit splitting an existing duplex in an RS-3 zoned District - Under the provisions of Section 1670, located at the NW corner of 55th Place and Quincy Avenue.

Case No. 12811 (continued)

Presentation:

Toby Powell was represented by Richard Holmes, 1201 Fourth National Bank Building. Mr. Holmes informed the lot splits had been previously approved by the Board for 47.5'. When it was completed, it was built at 44.5' and 50.5'. He submitted a plot plan (Exhibit "E-1").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "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 44.5' and 50.5'; a variance of land area from 8400 sq. ft. to 5562.5 sq.ft.; a variance of lot area from 6900 sq. ft. to 4450 sq. ft. and 5050 sq. ft.; a variance of livability space per dwelling unit from 4000 sq. ft. to 2600 sq. ft. and 3200 sq. ft.; and a variance of the side yard requirement from 5' to 0' to permit splitting an existing duplex in an RS-3 zoned district (L-15956) - Under the provisions of Section 1670, per plot plan and as advertised, on the following described property:

The South-Half of Lot 7, Block 6, J. E. Nichols Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12812

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1207 - Request for a variance to permit a zero lot line to permit splitting an existing duplex in an RS-3 zoned district- Under the provisions of Section 1670, located at the NE corner of South Darlington Avenue and East 73rd Place South.

Presentation:

Tom Kivell, 2727 East 21st Street, submitted a plot plan (Exhibit "F-1") and informed this was approved by the T.A.C. and T.M.A.P.C.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "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) to permit a zero lot line to permit splitting an existing duplex in an RS-3 zoned district (L-15963) - Under the provisions of Section 1670, per plot plan, on the following described property:

Lot 12, Block 1, Woodcrest Estates Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12813

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in the Agriculture
10.6.83:397(7)

Case No. 12813 (continued)

District - Use Unit 1206 - Request for a variance of land area from 2.2 to 2 acres and a variance of lot area from 2 to 1.69 acre to permit a lot split in an AG zoned district - Under the provisions of Section 1670, located East of the SE corner of East 101st Street and Sheridan Road.

Presentation:

The applicant, John Reinhart, 7114 East 101st Street, was not present.

Protestants: None.

Comments:

The Staff informed the lots do have access. This was approved by the Planning Commission on October 5, 1983.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the provisions of Use Unit 1206) of land area from 2.2 to 2 acres and a variance of lot area from 2 acres to 1.69 acre to permit a lot split (L-15955) in an AG zoned district - Under the provisions of Section 1670, on the following described property:

The N/2 of the W/2 of the E/2 of the NE/4 of the NW/4 of Section 26, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Case No. 12822

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 36th Place and from 50' to 48' to permit enclosing a front porch in an RS-3 zoned district - Under the provisions of Section 1670, located East of the NE corner of 36th Place and Riverside Drive.

Presentation:

Casper Jones, 1302 South Fulton Avenue, representing the owner, requested to build an addition by enclosing the existing front porch of the residence in glass which extends 18" into the front yard. He submitted a plot plan (Exhibit "G-1") and two letters from the adjoining property owners stating they have no objection to the application (Exhibits "G-2" and "G-3").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "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 requirements from the centerline of 36th Place from 50' to 48' to permit enclosing a front porch in an RS-3 zoned district - Under the provisions of Section 1670, per plot plan, on the following described property:

Case No. 12822 (continued)

Lot 25, Block 2, Peoria Park Addition, Tulsa, Tulsa County, Okla.

Case No. 12823

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1209 - Request for a Variance of the frontage requirement from 150' to 65' to permit a lot split in an IL zoned district - Under the provisions of Section 1670, located East of the SE corner of East 51st Street and South Garnett Road.

Presentation:

Kenny Joe Smith, 502 West 6th Street, informed the Planning Commission approved the lot split on October 5, 1983. In the splitting of the lot, one of the access points had to be reduced to 65'. This was also approved by the T.A.C.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Use Unit 1209) of the frontage requirement from 150' to 65' to permit a lot split (L-15966) in an IL zoned district - Under the provisions of Section 1670, per plot plan submitted, on the following described property:

The South 559.31' of Lot 1, Block 1, and the East 65' of the North 381.9' of Lot 1, Block 1, Hathaway Center, Tulsa, Tulsa County, Oklahoma.

Case No. 12828

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' to 0' to permit splitting an existing four-plex into four individual lots in an RM-1 zoned district - Under the provisions of Section 1670, located at the NE corner of East 39th Place South and South 130th East Avenue.

Presentation:

Ronald Davis, 4014 South 135th East Avenue, represented Mr. Wesley Cline. He informed the existing four-plex is owner occupied. He described the surrounding area. The owner would like to sell the individual units in order to improve the area. This was approved by the Planning Commission. Mr. Davis submitted a plot plan (Exhibit "H-1").

Protestants: None.

Board Action:

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

Case No. 12828 (continued)

Victor, "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' to 0' to permit splitting an existing four-plex into four individual lots in an RM-1 zoned district (L-15973) - Under the provisions of Section 1670, per plot plan, on the following described property:

Lot 4, Block 12, Park Plaza East III Addition, Tulsa, Tulsa County, Oklahoma.

Case No. 12830

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 18.41' to permit construction of a new dwelling in an RS-3 zoned district - Under the provisions of Section 1670, located at the NW corner of East 80th Street South and South 87th E. Ave.

Presentation:

Greg Miller, 3114 East Pine Street, submitted a plot plan (Exhibit "I-1").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "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 18.41' to permit construction of a new dwelling in an RS-3 zoned district - Under the provisions of Section 1670, per plot plan, on the following described property:

Lot 14, Block 8, Woodland Meadows Addition, Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 12810

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, located west of the SW corner of New Haven Avenue and Newton Street.

Presentation:

Lester Roberts, 1242 North New Haven Avenue, would like to replace his old mobile home with a new one. The old mobile home was on the property when he bought the property 17 years ago. The property is on City sewer.

Protestants: None.

Case No. 12810 (continued)

Comments:

The Staff informed there is no record of the old mobile home ever going before the Board of Adjustment.

Mr. Gardner informed the Board can only grant this special exception for one year unless there is a variance asked for.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "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, for a period of one year with removal bond required, on the following described property:

The E/2 of the E/2 of the NW/4 of the SE/4 of the NW/4 of Section 33, Township 20 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12814

Action Requested:

Variance - Section 240.2 (a) - Permitted Yard Obstructions - Request for a variance to permit the erection of a free-standing canopy in conjunction with a gasoline service station in a CS zoned district - Under the provisions of Section 1670, located at the NW corner of East 41st Street and 129th East Avenue.

Presentation:

Richard Monaghan, 7060 South Yale Avenue, represented Anderson Development Company, the owner of the subject property. He submitted a Site Plan (Exhibit "J-1") and a Facia Detail Plan (Exhibit "J-2") and informed there is a convenience store on the subject property which would like to sell self-service gasoline. They would like to build a free-standing non-enclosed canopy for the convenience of their customers. The canopy will be 22' by 50', which is standard according to local convenience store operators. The City would not issue the applicant a permit because the canopy extends over the 50-foot setback line. There might be a sign on the canopy and there will be high-intensity sodium lights hanging on the bottom-side of the canopy for security lighting. There is 12 feet between the surface of the parking lot to the bottom of the canopy. The overall height is 17 feet and 2 inches.

Protestants: None.

Comments:

Mr. Gardner informed he thinks the Building Inspector is treating this as an extension of the building because of its size and function.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Variance (Section 240.2 (a) - Permitted Yard Obstructions) to permit the erection of a free-standing canopy in conjunction with a gasoline service station in a CS zoned

Case No. 12814 (continued)

district - Under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lots 1 and 2, Block 1, Park Plaza Square Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12815

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit auto sales and service in a CS zoned district - Under the provisions of Section 1680, located East of the SE corner of 51st West Avenue and Charles Page Boulevard.

Presentation:

The applicant, Harold Long, was represented by Joe McLaughlin, 4934 Charles Page Boulevard. Mr. McLaughlin lives next door to the subject property and had a used car lot on his property for four years. He informed Mr. Long resides on the subject property. There is a 24' by 30' concrete block garage in the rear that used to be a transmission repair shop. There is also an 8' x 12' or 14' movable metal storage building on the property. The applicant has sold cars on the subject property, but the State had given him an order to stop until he gets a license which requires this exception.

Protestant:

Don Deramo, 5324 South 85th West Avenue, informed his mother and half-sister live next door to the west of the subject property. He informed the lot is very narrow--around 50' to 60', and there have been as high as fifteen salvaged junk cars on the lot. There are people coming in and out all the time. Mr. Deramo is concerned that the lot is too small to support a used car lot. The frontage of his lot and the subject property is about 60'. Mr. Deramo informed the area looks like a residential area.

Board Action:

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

The West 25' of Lot 6 and the East 25' of Lot 7, Block 1, Vern Addition to the City of Tulsa, Tulsa County, Oklahoma.

After the Board had voted, Mr. McLaughlin described the block of the subject property--there are several businesses on the block. He informed this is by no means a residential area.

Action Requested:

Variance - Section 240.2 (e) - Permitted Yard Obstructions - Use Unit 1206 - Request for a variance of the maximum floor area ratio permitted for a detached accessory building in a rear yard from 750 sq. ft., to 1,760 sq. ft., to permit constructing a detached garage in an RM-1 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 5th Street from 50' to 28' in an RM-1 District to permit constructing a detached garage - Under the provisions of Section 1670, located at the NW corner of 5th Street and Xanthus Avenue.

Presentation:

M. J. Bowers, 424 South Xanthus Avenue, is asking for a detached garage because it would fit better in the area. All of the residences in the area have detached garages. It is his understanding that if he attached the garage to his house, he would not need the variance, and he could obtain the same floor space within about 10 feet. The building will be used just as a garage to house two cars and a motor home. They have had several vehicles stolen from in front of their home and have a big security problem. He would like to have it detached because, in his opinion, an attached garage is more subject to smells, fires, heating and cooling problems than an unattached garage is. The building will not be used for any kind of business. He will still meet the livability space requirements. He submitted a copy of his plans (Exhibit "K-1") and described his property. He is not sure what the building will be built out of. The proposed garage is smaller than the buildings on either side of the subject property.

Protestants: None.

Comments:

Mr. Gardner described the zoning in the area and informed the applicant is not required to have very much livability space. The Staff's concern is what the building will be used for.

Ms. Hubbard informed it is the opinion of the Building Inspector's Office that in an RM District the 750 square feet does not apply.

Mr. Smith stated it is unusual to have a garage that is bigger than the house.

Mr. Jackere advised the Board has to determine what is appropriate, what is accessory and customary in a multifamily district--they are to use the 750 feet as a guideline.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to continue Case No. 12816 to the October 20, 1983, meeting to allow time for the Board members to view the site and the surrounding area.

Case No. 12817

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit used car sales in a CS zoned district - Under the provisions of Section 1680, located East of the SE corner of East 21st Street and South 125th East Avenue.

Presentation:

Bill James, 2507 West Quincy Circle, Broken Arrow, Oklahoma, informed he has made a tentative agreement to lease the subject property. There is an abandoned service station on the property. They have made an agreement with the property owner to completely refurbish the property. He submitted 3 pictures of the property (Exhibit "L-1") and informed the property is 150' by 150'. They will have between 20 and 25 units on the property. There is a car lot catty-corner across the street from the subject property--he does not know how long it has been there. They will have first-quality late-model automobiles on the lot. There will not be any repair work done on the property. They are planning on handling anything from 1978 models and up which are financeable through loan institutions.

Protestants: None.

Comments:

Mr. Smith stated he would hate to see the area start getting stripped out with used car lots.

Board Action:

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

Lot 1, Block 1, Stacey Lynn View Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12818

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1213 - Request to sell Christmas trees during the 1983 Christmas season - Under the provisions of Section 1680, located at the SE corner of 41st Street and Harvard Ave.

Presentation:

J. D. Spitzer, 5401 West Skelly Drive, informed they have been selling Christmas trees on the subject property for several years.

Protestants: None.

Comments:

Mr. Gardner informed the applicant needs to write a letter to the Planning Commission requesting a waiver of the platting requirement for special exceptions granted in a Use Unit 2.

10.6.83:397(14)

Case No. 12818 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the provisions of Use Unit 1213) to sell Christmas trees during the 1983 Christmas season - Under the provisions of Section 1680, on the following described property:

Lot 1, Block 1, Villa Grove Heights No. 1 Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12819

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1206 - Request for a variance to permit two dwelling units per lot of record (one existing residence plus one proposed garage apartment) in an RM-1 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 rear yard setback from 20' to 5' and a variance of the side yard requirement from 10' to 3' to permit conversion into a garage apartment in an RM-1 zoned district - Under the provisions of Section 1670, located South of the SE corner of Jasper Street and Cheyenne Avenue.

Presentation:

Thomas C. Kirk, 2707 East 32nd Street North, submitted a plot plan (Exhibit "M-1") and informed the garage is existing. The garage has not been fixed up yet and he will not be changing any of the outside dimensions of the building. There are no other garage apartments in the area that he knows of. There would be an area in the back of the house to park cars on--the access would be from the alley. The parking in the back would have an asphalt-type surface. Mr. Kirk described the surrounding area. The existing structure is a three-car garage, so there is ample square-footage for an apartment.

Protestants: None.

Comments:

Mr. Gardner informed the whole area is blanket zoned for apartments--it is RM-1. This zoning was probably done in 1956-57 and the area has never developed for the purpose it was zoned for.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "anys"; no "abstentions"; Victor, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Under the provisions of Use Unit 1206) to permit two dwelling units per lot of record (one existing residence plus one proposed garage apartment) in an RM-1 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 rear yard setback from 20' to 5' and a variance of the side yard requirement from 10' to 3' to permit conversion into a garage

Case No. 12819 (continued)

apartment in an RM-1 zoned district - Under the provisions of Section 1670, on the following described property:

Lot 18, Block 14, Burgess Hill Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12820

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit operating a day care nursery in an existing Church in an RS-2 zoned district - Under the provisions of Section 1680, located East of the NE corner of East 31st Street South and South Memorial Drive.

Presentation:

John Calvin Presbyterian Church was represented by Bill McClendon, 10004 East 24th Street. Mr. McClendon informed there will be a maximum of 53 children in the day care nursery. The pick-up place for the children will be off of 31st Street. The playground will be located between 80' and 100' from the backyards of the houses. There are no plans for a sign at this time.

Protestants: None.

Comments:

Mr. Gardner suggested the Board have the applicants come back if they want a sign and let the Board review the size and where the sign is to be located. The Ordinance permits up to 32 square feet.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the provisions of Use Unit 1205) to permit operating a day care nursery in an existing Church in an RS-2 zoned district - Under the provisions of Section 1680, with the conditions that it be limited to a maximum of 53 children and that if planning for a sign proceeds, that the applicant come back before the Board for approval of size, location, and contents, on the following described property:

Lot 8, Groveland Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12821

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1212 - Request for a variance to permit a restaurant in an RS-3 zoned district - Under the provisions of Section 1670, located east of the SE corner of Apache Street and Cincinnati Avenue.

Presentation:

Donald Bybee, 707 South Houston Avenue, informed the Tulsa Urban Renewal Authority owns the subject property. He submitted an atlas page

Case No. 12821 (continued)

(Exhibit "N-1") and described the various zoning in the area. He informed the subject property is located on the very edge of the Neighborhood Development Program Urban Renewal Project. The proposed restaurant will be a sit-down restaurant. They have also filed an application to rezone the property, but need Board approval in order to obtain a building permit and not lose the sale. There is a solid masonry wall on the back of the subject property that is 5 1/2 to 6 feet tall. The wall screens off all of the residential area. There are existing single-family dwellings across the street from the subject property. Mr. Bybee further described the area surrounding the subject property.

Interested Party:

Kathryn Sterns, 224 East Zion Place, came to the meeting to obtain information about the application.

Comments and Questions:

Ms. Purser is concerned with putting a commercial project right across the street from an RS District. There must be a hardship for the property found before the Board can approve this, and the only hardships she sees deal with finances and time.

When asked to described the restaurant, the applicant informed this will be a barbeque restaurant and catering service. The planned building is a very nice building. The restaurant will be open for lunch and dinner. The building will be approximately 4,000 square feet. There will be 44 parking spaces. The parking is sufficient--the applicant has several spaces over the minimum in his plans. The property will be well-landscaped. This is part of the approved District 2 Comprehensive Plan for the area.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-1-0 (Chappelle, Smith, Wait, "aye"; Purser, "nay"; no "abstentions"; Victor, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Use Unit 1212) to permit a restaurant in an RS-3 zoned district - Under the provisions of Section 1670, on the following described property:

The South 115' of the East 60' of Lot 6 and the South 115' of Lot 5, Block 1, Acre Gardens Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12824

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1219 - Request for an exception to permit a hotel-motel in an OMH zoned district - Under the provisions of Section 1680, located at the intersection of I-44 and Broken Arrow Expressway.

Presentation:

Charles Norman, 909 Kennedy Building, presented a plot plan (Exhibit "O-1") and informed the tract is 3.7 acres in size. The proposed building meets all of the requirements of the Code for setbacks and

parking. The design is for an atrium-style hotel which will be an all-suite type operation. The OMH zoning was for this lot only, but the Staff indicated that the entire area would be eligible for a higher-intensity use. The view from the expressway would be of exterior windows of units. Mr. Norman presented a brochure of a similar project in Dallas, Texas (Exhibit "0-2").

Protestants: None.

Comments:

There was discussion as to whether a wall would be needed around the service area.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 610 - Principal Uses Permitted in Office Districts - Under the provisions of Use Unit 1219) to permit a hotel-motel in an OMH zoned district - Under the provisions of Section 1680, per plot plan, on the following described property:

All that part of Lot 3, Interchange Center, an Addition to the City of Tulsa, Tulsa County, Oklahoma as recorded by Plat No. 2336, filed October 28, 1960, with the County Clerk of Tulsa County, Oklahoma, more particularly described as follows, to wit:

Beginning at the S-SW corner of Said Lot 3; thence North 00°-02'-27" West along the West Boundary of Said Lot 3 a measured distance of 54.10' (48.02' Deed) to a point in the Southeasterly right-of-way of Interstate Highway #44 (the N-SW corner of Said Lot 3); thence North 48°-55'-30" East along the Highway right-of-way and Lot 3 Boundary a distance of 151.73'; thence South 41°-04'-30" East a distance of 204.16' to a point in the South Boundary of Said Lot 3, (North Boundary of Interchange Place, an Addition to the City of Tulsa) 1,592.85' from the Southeast corner thereof; thence North 89°-58'-30" West along the common Boundary of said Lot 3 and Interchange Place a distance of 248.48' to the point of beginning, containing 22,210.63 square feet or 0.50987 acres, more or less;

AND

All that part of Lot 3, Block 1, Interchange Place, an Addition to the City of Tulsa, Tulsa County, Oklahoma, as recorded by Plat No. 3974 filed November 14, 1979, with the County Clerk of Tulsa Co., Oklahoma, more particularly described as follows, to wit:

Beginning at the Northwest corner of Said Lot 3, Block 1; thence South 89°-58'-08" East along the North Boundary of Said Lot 3 (South Boundary of Interchange Center, an Addition to the City of Tulsa) a distance of 307.23'; thence South 41°-04'-30" East a distance of 87.77' to a point in the East Boundary of said Lot 3 Block 1; thence South 35°-44'-02" West a distance of 0.00'; thence along the East Boundary of Said Lot 3 on a curve to the left having a radius of 380.00' a distance of 237.22'; thence South 00°-02'-08"

Case No. 12824 (continued)

East along the East Boundary of Said Lot 3 a distance of 75.40'; thence South 89°-57'-52" West a distance of 243.00'; thence North 62°-52'-35" West a distance of 228.12' to a point in the West Boundary of Said Lot 3 (Easterly Right-of-Way of Interstate Highway #44); thence along the West Boundary of Said Lot 3 as follows: North 27°-07'-25" East a distance of 69.35'; thence North 29°-38'-06" East a distance of 211.90'; thence North 48°-55'-30" East a distance of 21.52' to the point of beginning, containing 141,170.38 square feet or 3.24082 acres, more or less; AND

All that part of the E/2, NW/4, NE/4 of Section 23, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official U. S. Government Survey thereof; more particularly described as follows, to wit:

Beginning at a point in the South Boundary of Said E/2, NW/4, NE/4, 99.00' from the Southwest corner thereof (The S-SW corner of Lot 3, Interchange Center, an Addition to the City of Tulsa) thence North 00°-02'-27" West along the West Boundary of Lot 3, Interchange Center a measured distance of 54.10' (48.02 feet Deed) to a point in the Southeasterly Right-of-Way of Interstate Highway #44 (The N-SW corner of Lot 3, Interchange Center); thence South 48°-55'-30" West along Interstate Highway #44 Right-of-Way a measured distance of 82.30' (73.24 feet Deed) to a point in the South Boundary of Said E/2, NW/4, NE/4, 36.92' from the Southwest corner thereof; thence South 89°-58'-30" East along the South Boundary of Said E/2, NW/4, NE/4 a distance of 62.08' to the point of beginning, containing 1,679.46 square feet or 0.03856 acres, more or less;

Containing in all three (3) parcels 165,060.48 square feet or 3.78927 acres, more or less.

Case No. 12825

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 10' to 5' to permit constructing a bay window onto an existing residence in an RM-2 zoned district - Under the provisions of Section 1670, located at the NW corner of 8th Street and Columbia Ave.

Presentation:

Bea Foss, 2641 East 8th Street, submitted a plot plan (Exhibit "P-1") and 4 pictures of the subject property (Exhibit "P-2"). The proposed addition would be 10' & 2" long which would include three existing windows. It will be 2' & 8" deep. She informed when she moved on the subject property there was only a five-foot setback from the property line; in 1970 it was changed to 10'. There is a solid wall between the subject property and the neighboring property--this took care of drainage and noise problems. She needs the extension to widen her bedroom. She does not feel that a bay window will detract from the property--she thinks it will add to the looks of the house.

Protestant:

Paul Strokey, 2639 East 8th Street, lives next door to the west of the subject property. He submitted 18 photographs of the subject property

Case No. 12825 (continued)

(Exhibit "P-3"). He is concerned about adding more to the subject property. He described the photographs which he had submitted. On the property is a greenhouse, a metal shed, a mobile home, an attachment to an out-building, and nine living units.

He is concerned that Mrs. Foss wants to build closer to his property line. He is also concerned because his view from in front of his house is blocked. Mr. Strokey informed the wall detracts from the property and was not constructed properly. He objects to adding anything on to the west side of the house. Mr. Strokey asked that if the Board does approve this variance, they put in the stipulation that this be nothing but a bay window from now on. Mr. Strokey still has some reservations about the drainage from the subject property. He would like for the Board members to view the site.

Applicant's Rebuttal:

Mrs. Foss informed she is before the Board because the Code was changed. She described the buildings on the subject property. She would like for the Board members to come and view the site.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 2-2-0 (Chappelle, Wait, "aye"; Purser, Smith, "nay"; no "abstentions"; Victor, "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 10' to 5' to permit constructing a bay window onto an existing residence in an RM-2 zoned district - Under the provisions of Section 1670, on the following described property:

Lot 7, Block 10, Highlands Addition to the City of Tulsa,
Tulsa County, Oklahoma.

The Chairman advised that due to the lack of three affirmative votes to approve this variance, this application is denied.

Case No. 12826

Action Requested:

Variance - Section 720 - Accessory Uses Permitted in Commercial Districts- Request for a variance to permit two satellite receiving antennas on the roof of Hillcrest Hospital in a CH zoned district - Under the Provisions of Section 1670, located at the NE corner of South Troost Avenue and East 12th Street.

Presentation:

Craig Sallander, 735 North Water Street, Milwaukee, Wisconsin, presented a site plan and packet of materials (Exhibit "Q-1") which indicates where the satellite receiving antennas will be placed at Hillcrest Medical Center. They will be located on the eighth floor roof of a building just opposite Benedict Park. The antennas are intended to provide the hospital with patient programming, with access to medical records which are computer stored, teleconferencing with physicians, and other medical services. The antennas are round and dish-like. They are slightly larger than a man (about 10 feet). The structural calculations for the antennas were prepared by a structural engineer and are certified.

Case No. 12826 (continued)

Protestants: None.

Comments:

There was discussion as to what the wind resistance factor is for these antennas and what the requirements are for them.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 720 - Accessory Uses Permitted in Commercial Districts) to permit two satellite receiving antennas on the roof of Hillcrest Hospital in a CH zoned district - Under the provisions of Section 1670, with the provision that the Building Inspection Department approve the safety requirements that need to be provided for this type of antennae on top of a multi-story building, on the following described property:

Lots 7 and 8, Block 1, McNulty Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12827

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1219 - Request for an exception to permit Use Unit 19 (Health Club) in an IL zoned district - Under the provisions of Section 1680, located at the SE corner of Broken Arrow Expressway and Mingo Road.

Presentation:

Bill Richards, 9902A East 43rd Street South, submitted a site plan (Exhibit "R-1") and informed they are asking for only a part of Use Unit 19. He informed the 25,000 sq. ft. building is proposed to be built for a fitness center. The tract has a 100,000 sq. ft. and the parking ratio would be 154 parking spaces which is 40 parking spaces more than what is required by the City Code. They request only the following items of Use Unit 19--the enclosed commercial recreational establishment, gymnasium, health club, racketball club, and swimming pool. They have no need for the other items under Use Unit 19.

Protestants: None.

Comments:

Mr. Gardner stated that enclosed commercial recreational establishment was a pretty broad term and needed to be defined.

Mr. Richards informed their intent is for it to be understood that they have the right to open an International Fitness Center as a health club.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Under the provisions of Use Unit 1219) to permit Use Unit 19 (Health Club) in an IL

Case No. 12827 (continued)

zoned district - Under the provisions of Section 1680, excluding everything in Use Unit 19 except the gymnasium, health club, racquetball club, and the swimming pool, per plot plan, on the following described property:

The North 214' of Lot 1, Block 1, Diversified Industrial Park and Lot 4, Block 1, Diversified Industrial Park, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 12788

Action Requested:

Request for a refund of fees.

Presentation:

Gloria O'Brien requested by letter (Exhibit "S-1") that the fees for Case No. 12788 be refunded to her.

Comments:

The Staff informed this pertains to a lot split which was before the Board which had been denied by the Planning Commission.

Mr. Gardner informed the applicant declined an offer for a rehearing by the Planning Commission. He informed the only part of the paid fees that were not utilized is the \$25 Public Hearing Fee.

Board Action:

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

Case No. 12593

Action Requested:

Request for withdrawal of granted variance.

Presentation:

J. W. Shrout, 3227 East 31st Street, informed they no longer need the granted relief.

Protestants: None.

Comments:

Mr. Jackere informed there was an appeal taken from the case granting the variance--this appeal is pending in District Court. The relief is presenting a problem to the applicant just being of record. If this is approved, they will go back to Court and ask that the Court dismiss the appeal because there will be no basis for the appeal.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Purser, Wait, "aye"; no "nays"; Smith, "abstaining"; Victor, "absent") to rescind their approval of Case No. 12593 at the request of the applicant.

There being no further business, the meeting was adjourned at 3:57 p.m.

Date Approved NOV. 3, 1983


Chairman