

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 399
Thursday, November 3, 1983, 1:00 p.m.
Langenheimer Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Smith (out at 2:21 p.m.) Victor (in at 2:06 p.m.) Wait	Purser	Gardner Jones Wiles	Hubbard, Protec- tive Insp's. Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, November 1, 1983, at 11:30 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

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 the Minutes of October 6, 1983 (No. 397).

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.

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:

The applicant, Skilly Forsman, P. O. Box 1046, requested by letter that this case be withdrawn (Exhibit "A-1").

Board Action:

On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to withdraw Case No. 12681.

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.

Case No. 12750 (continued)

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 applicant, Wayne Keith, 13603 East Apache Street, was represented by Curtis L. Culver. He informed this case has been continued by the Board a couple of times awaiting a report concerning the operation of other salvage yards in the area. He believes that both of the existing salvage yards in the area have gone in lawfully in that one has Board approval and the other has been in existence for about 12 years and was started when a salvage yard was permitted by right in an IM zoned district. He believes this constitutes a nonconforming use, because since that time the Zoning Code has been changed to provide that the salvage yard can only be in an IH District by right and in the IM District by special exception.

Protestants:

Paul Swain, 900 World Building, represented some of the surrounding property owners--Mr. Murchison, Mr. Andrews and Mr. Brock. He informed his investigation had not shown that there was ever any Board approval of salvage yards in the area. He informed there are three salvage yards in the area, including the applicant's and two of them have signs that say "auto salvage". He had a question as to whether the piece of property known as Bud's Salvage Yard was actually the property that the previous exception had been granted on, and he was informed by the Building Inspector that it was. He informed the surrounding property owners are still opposed to this exception because they do not want another pile of junk in the area. He does not think any of the existing salvage yards are screened.

Comments:

Ms. Hubbard informed this case has been continued pending the investigation of the Building Inspector's Office. She informed the investigation showed there is at least one piece of property that has had Board of Adjustment action to permit a salvage operation on it (Case #10278). The inspector reported that Mr. Keith has said he is not running a salvage, but the inspector informed it looked like a salvage to him. Ms. Hubbard described the other pieces of property in the area and submitted a copy of the investigative report (Exhibit "B-1").

Mr. Jackere informed the determination by the Building Inspector is that there is one salvage yard that has been approved. He also informed there are penal ordinances that require the screening of salvage yards.

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 Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - under the provisions of Use Units 1217 and 1227) of the frontage requirement on an arterial street from 200 feet to 165.5 feet in an IM zoned district under the

Case No. 12750 (continued)

provisions of Section 1670, and a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - under the provisions of Use Unit 27) to permit a salvage yard in an IM zoned district under the provisions of Section 1680, on the following described property:

The W/2 of the E/2 of the E/2 of the SE/4 of the SW/4, of Section 21, Township 20 North, Range 14 East, City of Tulsa, Tulsa County, Oklahoma.

Special Request:

The Board requested that the Inspector go ahead and look into the existing salvage yards, and if they are found to be illegal, to take whatever action is necessary. If there are those uses operating legally, but do not have their screening in place or other requirements not met, they would like the Building Inspection's Office take steps to see that the situation is rectified.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12863

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 25' to 20' and a variance of the side yard requirement from 5' to 4' in an RS-3 zoned district - Under the provisions of Section 1670, located east of the NE corner of South Atlanta Place and 22nd Place South.

Presentation:

The applicant, William J. Doyle, was represented by his brother, M. A. Doyle, 2616 East 22nd Place. He would like to extend his present home which was on the property prior to the RS-2 zoning. He is presently 4 feet from the side yard setback rather than 5 feet which is the requirement. He would like to extend his home 5 feet over the required rear yard requirement of 25 feet. Mr. Doyle submitted a drawing of his plans (Exhibit "C-1").

Protestant:

George Campbell, Box 434, Sand Springs, was concerned that this addition might somehow interfere with the fence between the subject property and the lot to the south.

The applicant informed that it would not interfere with the fence, but he does plan on replacing the fence because it is rotten.

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 25 to 20 feet and a variance of the side yard requirement from 5 to 4 feet in an RS-3 zoned district under the provisions of Section 1670, per plot plan, on the following described property:

Case No. 12863 (continued)

Lot 10 and the W/2 of Lot 11, Block 2, Harter's Fourth
Resubdivision, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 12843

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the
Commercial Districts - Use Unit 1217 - Request for an exception to
permit an insurance claims office with inspection bays in a CS
zoned district - under the provisions of Section 1680.

Interpretation - Section 1660 - Request for an interpretation of
Use Unit designation of an insurance claims office with inspection
bays, located south and west of the SW corner of 31st Street and
South Memorial Drive.

Presentation:

Roy Johnsen, 324 Main Mall, represented the applicant, Farmer's
Insurance Group, which is the purchaser of the subject property.
The Insurance Group Plans to construct a branch Claims Office, as
well as a property office on the subject property. The total
square-footage of the facility will be 12,685 square feet. Approx-
imately 978 square feet (7%) of this will be the inspection bay area--
an enclosed place where a wrecked car can be brought to be examined
by a claims adjuster before settlement. This is a convenience to
their policyholders. Mr. Johnsen informed that the Zoning Code per-
mits the office use by right in a CS District, but the Ordinance is
not clear on the issue of the inspection facility. He informed that
in Use Unit 16 automotive is one of the classifications that might be
considered, and in it if you have less than three bays, this is per-
mitted use in Use Unit 16. Use Unit 16 is a use by right in a CS
District. If the inspection bays are interpreted to be Use Unit 17,
then the Special Exception would be needed. He submitted a Site Plan
(Exhibit "D-1") and informed that four cars could fit in the inspec-
tion area, but it is designed for two cars. He submitted elevation
drawings (Exhibit "D-2") to give a perspective of the drive-in part
of the facility. There will be no repair work done on the subject
property. None of the work has been completed on the subject property.
There are several construction projects going on on the properties
surrounding the subject property. There will be no tools on the sub-
ject property--the inspection is a visual inspection. He does not
feel that this use is any more intense than a service station which is
permitted by right.

Protestants: None.

Comments:

Mr. Gardner informed that he has consulted with the Legal Department
and he favors the interpretation on the basis that they have deter-
mined that it is not just a straight Use Unit 11, that the bays are
not accessory and customary to an office use. The Board should find
the office to be Use Unit 11, and if there are three bays or less,
this aspect of the use would fall within Use Unit 16. This would
mean that whenever there was a similar situation, the Building

Case No. 12843 (continued)

Inspector would be able to issue a Building Permit in a CS District, because both of the uses are permitted by right in a CS District. If this interpretation were made, there would be no need for others to come to the Board in a CS. The use would not be permitted in an office district by right. If it is more than three bays, then it is Use Unit 17.

Mr. Jackere informed the relief the applicant has asked for is not necessary. He has a problem with the Board making an interpretation of the Ordinance at the request of a private person making application for an interpretation. He thinks that if the applicant is advised that the relief is just not necessary, the Board will have made by that decision an interpretation that in the Commercial District an insurance claims office with bays is accessory use to the office that is permitted by right, or is a Use Unit 16. He is not sure that an interpretation is absolutely necessary because they will be giving an interpretation by telling the applicant and the Building Inspector that this is a permitted use by right in this district. This is enough to guide the Building Inspector.

The applicant would like the record to reflect that based on the information submitted that this Board has found that this is not a Use Unit 17 and would be permitted by right in a CS District.

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 find that this is not a Use Unit 17 and the applicant does not need any relief for the application as presented.

Case No. 12844

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 minimum side yard requirement from 5 to 3.6 feet to extend an existing garage in an RS-3 zoned district - under the provisions of Section 1670, located west of the SW corner of East 3rd Street and Louisville Avenue.

Presentation:

Michael Dean, 3612 East 3rd Street, informed he would like to extend his garage forward. He submitted drawings of what he proposes to do (Exhibit "E-1") and informed that the existing garage has been in existence for at least the eight years that he has owned the subject property. This would not protrude any further into the side lot line than the original garage. He has not yet applied for a Building Permit.

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

Case No. 12844 (continued)

provisions of Use Unit 1206) of the minimum side yard requirement from 5 to 3.6 feet to extend an existing garage in an RS-3 zoned district under the provisions of Section 1670, per plot plan, on the following described property:

Lot 4, Block 1, University Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12845

Action Requested:

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

Presentation:

The applicant, J. B. Smith, was represented by Casper Jones, 1320 South Fulton Avenue. The applicant would like to put a used car lot on the subject property. Since he filed the application, he has lost his customer for the property, but he would like to go ahead and get an exception for a Use Unit 17 on this property. There are four lots that have been split. The lots were originally platted to face north and south, but they have been split and they face east and west. The property is vacant and there is 125 feet in the middle of the block that he would like to have the permission granted for. He cannot build on the subject property because there is an easement going down the middle of the block. He presented a sketch of what is proposed. He described the surrounding area and informed there are other used car lots in the vicinity. He does not know how many cars will be on the property, because he does not have a customer for the property at this time. He wants the permission granted for the two middle lots. He informed they would need to change their legal description to include only those two lots.

Protestants: None.

Comments:

There was discussion as to what the legal description would be, and Mr. Gardner informed the Staff could revise the legal if the motion carries.

Mr. Jones informed that the applicant stated that he would like to go ahead and have a Use Unit 17 approved, but it was advertised for just car sales. The Board's approval would be limited to just car sales, not repair or any other use in Use Unit 17.

Mr. Gardner informed if the Legal Department says they could consider all of Use Unit 17, the Staff would suggest that the Board exclude auto repair and auto wash--the rest are all very similar.

Mr. Jackere informed the only thing the Board has the authority to grant is car sales, because that is all that was advertised.

Case No. 12845 (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 1217) to permit car sales in a CS zoned district under the provisions of Section 1680, for car sales on the two innermost lots as requested, on the following described property:

The South 56.81' of Lots 17 and 18, less the West 8.5' thereof, Block 2; and

the North 54.81' of Lots 19 and 20, less the West 8.5' thereof, Block 2 in Sequoyah Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12846

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1215 - Request for a variance of the street frontage requirement from 30' to 0' in an AG zoned district under the provisions of Section 1670.

Special Exception - Section 320.1 - Accessory Uses in the Agriculture District - Accessory Uses Permitted - Request for an exception to permit a home occupation (dog kennel) in an AG zoned district under the provisions of Section 1680.

Variance - Section 440.2 (c) - Special Exception Uses in Residential Districts, Requirements - Home Occupations - Request for a variance of the enclosed building provision to permit a dog kennel in an AG zoned district under the provisions of Section 1670, located east of the NE corner of Yale Avenue and East 101st Street South.

Presentation:

Rod Johnson was represented by Bill Moss, 1616 South Denver Avenue. He informed the subject tract is a 2.6 acre tract in the middle of a 10-acre tract which is owned by ITS Group, Inc., which is presently planning to build a residence on the 2.6 acre tract for the benefit of one of the children of the principals of the corporation. He submitted a drawing of the property (Exhibit "F-1"). The daughter has been raising showdogs since childhood and she would like a kennel license to continue raising the dogs. They will not be doing any commercial kennel activities in the normal sense of the word--they are not boarding dogs for others nor are they providing any services for the public. He informed the only home close to the subject property is next door and is owned by the daughter's mother. The proposed house will set back as far as the existing house next door. The most dogs the daughter has ever had is 12. He informed the dogs are inside dogs and stay in the house most of the time. There will not be a separate building built for the dogs, nor will there be any outside dog runs.

Protestants: None.

Case No. 12846 (continued)

Comments:

Mr. Gardner was concerned that although the applicant is not classifying this as a business, it very well approaches one. The Board needs to put limits on this if they approve it, so that it will not become a full-fledged dog kennel. He thinks the Board should impose a maximum number of dogs that they can have at any one time for show, as well as other limitations. He informed there were only 5 or 6 notices sent out.

Discussion ensued as to what a dog run is.

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 207 - Street Frontage Required - under the provisions of Use Unit 1215) of the street frontage requirement from 30 to 0 feet in an AG zoned district under the provisions of Section 1670, a Special Exception (Section 320.1 - Accessory Uses in the Agriculture District - Accessory Uses Permitted) to permit a Home Occupation (dog kennel) in an AG zoned district under the provisions of Section 1680, and a Variance (Section 440.2 (c) - Special Exception Uses in Residential Districts, Requirements - Home Occupations) of the enclosed building provision to permit a dog kennel in an AG zoned district under the provisions of Section 1670, with the conditions that there be no commercial activity, that there be a maximum number of 15 show dogs, no outside dog runs, and that it be approved for the present owner or Karen L. Workings only, and that it not run with the land on the following described property:

The North 341.97 feet of the South 821.97 feet of the W/2 of the E/2 of the SE/4 of the SW/4 of Section 22, 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, containing 2.6 acres more or less.

Case No. 12847

Action Requested:

Variance - Section 1221.5 (a) - CS District Use Conditions - Request for a variance of the display surface area from 352.75 to 640 sq. ft. in a CS zoned district under the provisions of Section 1680, located at the NE corner of South Harvard Avenue and the Broken Arrow Expressway.

Presentation:

The applicant, Bill Stokely of Stokely Outdoor Advertising, 8921 South 70th East Avenue, was present and presented 6 pictures (Exhibit "G-1"). He informed that in August of this year, he was contacted by the property owner of the subject property, Mr. Clark Williams. Mr. Williams wanted to enter into an agreement with Mr. Stokely to put a billboard on the subject property. There is already a billboard on the property--it is a large outdated type structure which is supported by multi-poles. He received a permit (Exhibit "G-2") on August 15, 1983, to build the new structure on the property (#7473). Over one month later, the City of Tulsa received a letter from the people who currently have a sign on the property--Donrey Outdoor Advertising Company.

Case No. 12847 (continued)

The letter was protesting Mr. Stokely's ability to be issued the permit. After Mr. Stokely had spent \$28,000 on having a sign specially built for the subject property, he was informed by letter that he was denied permission to build it because of some technicality (Exhibit "G-3"). He informed the property owner would like Mr. Stokely to build a sign on the property because: (1) They want an improved structure on the property; (2) they want a better lease; and (3) they want to clean up the property. Mr. Stokely has been contacted by the property owners adjacent to the subject property. They want the same thing that Mr. Williams does--an improved situation. The sign which is on the subject property now is right up against a residential area, which is now against the law. Mr. Stokely's sign would be placed within the limits of the law. They are proposing less signage on the property by the old sign being taken down and Mr. Stokely's sign being put up. The proposed sign is in his opinion a better looking sign and will improve the situation. Mr. Stokely would like to be able to act upon the permit that was issued to him. He informed the sign on the subject property right now is 12' x 48'--that comes to 576 square feet. He is proposing to build a 10' x 30' double-deck sign which would be 600 square feet. They are also going to take a smaller business sign off of the property if the new sign is approved. This action will result in less signage on the property than there is now. His sign will be 40 feet high. The existing sign is about 40 or 45 feet high.

Protestant:

Roger Lister, 600 South Elder, is the general manager for Donrey Outdoor Advertising. He informed they had been approached by Mr. Gene Fernandez, a principal in the property, who asked them to build the same kind of sign on the subject property as they asked Mr. Stokely to build. Mr. Lister informed Mr. Fernandez that the sign that is on the property is a legal nonconforming sign, and if they took it down, they could not go back in with the same size or greater. A stacked unit is a much greater sized sign. Mr. Fernandez wanted to increase their on-premise sign. Donrey has been served with a notice from Mr. Fernandez to take their sign down. If the application is granted, they will be taking a nonconforming sign and granting a variance to put up a larger sign. They called the City's attention to the fact that two permits were issued for this piece of property--one to Bill Stokely and one to CSL Sign Company. Donrey did not feel that a permit could be issued as long as their sign stood on the property, and that if a permit were to be issued, it would have to be after-the-fact. The inspector withdrew the permit because it was issued in error--the property would have to be cleared before a permit could be issued.

Applicant's Rebuttal:

Mr. Stokely did not feel that the information given by Mr. Lister is relevant to this case.

Comments and Questions:

Legal Counsel informed if the Board approves this application, it should be subject to the removal of all old existing signs.

Mr. Gardner informed the applicant wants a variance to 600' and not 640' as advertised. The size limitation is 352' based on the frontage of the CS lot.

Case No. 12847 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-1 (Chappelle, Smith, Wait, "aye"; no "nays"; Victor "abstaining"; Purser, "absent") to DENY a Variance (Section 1221.5 (a) - CS District Use Conditions) of the display surface area from 352.75 to 600 sq. ft. in a CS zoned district under the provisions of Section 1680, on the following described property:

Part of the NE/4 of Section 17, Township 19 North, Range 13 East; beginning 339.54' North and 50' West of the SE corner of the NE/4; thence Southwest 174.16' to the Expressway right-of-way; thence Southeast on right-of-way 95.5'; thence East 45.6'; thence North 47.1'; thence East 10'; thence North 74.07' to the Point of Beginning in City of Tulsa, Tulsa County, Oklahoma.

Case No. 12848

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit restoring antique cars in a CS zoned district under the provisions of Section 1680, located south of the SW corner of South 109th East Place and Admiral Place.

Presentation:

Bob Beason, 11119 East 13th Place, is one of the current property owners of the subject property. He informed the property is under contract to sell to a party that restores antique cars. The purchaser intends to build a two to three thousand square-foot building and will operate completely within the building. There will be no outside storage. There will be no cars stored outside at any time. He submitted 6 pictures of what the operation will look like (Exhibit "H-1").

Phyllis DeWitt, 11417 East 17th Street, is the wife of the purchaser. She informed the building would be 40' x 60'. The 60' would be the depth of the lot. They would be building back from the setback line. They will have two overhead doors on the south of the building. Her husband works alone and restores special interest type automobiles. There would be some power equipment in the business. She described the surrounding property. There are several vacant lots in the area of the subject property. Mr. DeWitt would be working on two or three cars at a time.

Protestants:

Joe Anthony, 10929 East 3rd Street, is concerned because he feels there is a very fine line between restoration of antique cars and an auto repair shop. He is also concerned about a precedent which this could set in the area. He informed the area is now developing-- there is only one similar building on one lot out of about 30 lots in the area. He was also concerned about the screening in the area.

Willy Mixson, 133 South 108th East Avenue, stated that there is no difference in automobile repair and automobile restoration. He is concerned with the noise that the tools will generate. He informed

there are 12 houses adjacent to the subject property in which retired people live. They do not want all the noise that this will generate. He feels their privacy would be invaded.

Will Wayne Williams, 29 South 108th East Avenue, informed his back yard adjoins the subject property. He is concerned with the screening--he wants a fence built. He does not want this kind of operation right next to him.

Applicant's Rebuttal:

Mr. Beason was not under the impression that the previous Board action was a restriction against this use, but Mr. Jackere informed that is what the Minutes from that meeting indicate.

Comments:

Mr. Gardner informed there is a restriction placed on this property by the Board in a previous case which says there can be no Use Unit 17 within the west and south lots of the subdivision which are next to single-family homes.

Mr. Victor asked Mr. Gardner what has been approved on the property previously and Mr. Gardner informed that the Board approved this entire commercial subdivision, granting an exception to allow Use Units 15 and 17. At the time the permission was granted, there were no specific proposals--they did not know what the lots might have a market for. There was concern by the Board that there not be a typical auto repair and similar uses next to the single-family, so they excluded Use Unit 17 from those lots. He informed that some things that the Staff would be concerned about would be that there not be any outside storage or any work done outside--everything would have to be done within an enclosed business building.

Legal Counsel Jackere informed that when the Board imposes a condition, for whatever reason, there must be some change in condition or change in an application warranting the Board to reconsider the request. It was based upon something, and in order for the Board to change the condition, there must be some change in circumstances in the surrounding area to warrant that. If there is not a change in condition, then the condition is valid and should remain. He informed that the people who have purchased homes in the area of the subject property since then have a right, to some degree, to rely on the condition imposed.

Mr. Jackere informed the applicant that the Board imposed a condition that a buffer exist between the residences to the west and the potential Use Unit 17 that are 150 feet to the east.

Mr. Jackere suggested that if the Board is in agreement with the statements made with respect to the change in conditions and if they have not heard any, then the application should not be denied on its merits, it should be denied on the basis that there has been no change of conditions shown.

Mr. Wait does not feel that there has been enough change to warrant the change from the restriction.

Case No. 12848 (continued)

Board Action:

On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 2-1-0 (Victor, Wait, "aye"; Chappelle, "nay"; none, "abstaining"; Purser, Smith, "absent") to DENY a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Under the provisions of Use Unit 1217) to permit restoring antique cars in a CS zoned District under the provisions of Section 1680. Since the motion did not have three affirmative votes, Mr. Chappelle made a motion to APPROVE the application. The motion died for lack of a second, so the application was DENIED, on the following described property:

Lot 5, Block 1, Wagon Wheel Trade Center Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12853

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request for an exception to permit an office in an RM-2 zoned district under the provisions of Section 1680, located south of the SE corner of East 13th Street and South Quincy Avenue.

Presentation:

Robert Seale, 3916 South Toldeo Avenue, informed they would like to have a sales office on the subject property. There would be no walk-in traffic, and they would not have a sign. There are no other offices in the area that he is aware of--there are some two blocks away on Peoria Avenue. The office would be a three-person sales office which handles supplies for mini-computers. They would like to do work on the existing building to make it more presentable than it is now, but the building will still look residential. There is adequate space for parking the three employees cars in the back of the building. The property is adjacent to the access road of the expressway and there is an alley in the back. They would have no more than three employees.

Interested Party:

J. C. Gamble, Route 1, Box 74, Broken Arrow, Oklahoma, wanted to know if approval of this application would make it easier for him to have a similar action granted at a later date. The Board informed him this probably would set a precedent for the area along the service road. Mr. Victor did not feel that interior encroachment into the residential area would necessarily be appropriate.

Protestant:

Ron Gates, 420 South Main Street, Suite 423, represented several residents from the area of the subject property. They are opposed to this application because they are afraid it will set a precedent for the area. They are also afraid their property values will decrease if this application is approved.

Applicant's Rebuttal:

Mr. Seale informed that on the opposite side of the expressway there are businesses in houses which are similar to what they are asking for.

Case No. 12853 (continued)

Board Action:

On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1211) to permit an office in an RM-2 zoned district under the provisions of Section 1680, on the following described property:

Lot 20, Block 3, Bellview Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12854

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.

Variance - Section 440 (a) (c) (d) (e) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the required removal bond, and one year time limitation to permit permanent occupancy of a mobile home in an RS-3 zoned district under the provisions of Section 1670, located south of the SE corner of South Jackson Avenue and 71st Street.

Presentation:

Tina McClanahan, 7165 South Jackson, informed they would like to move a mobile home on the subject property. She submitted a petition saying that the people in the area do not object to them putting a mobile home on the land (Exhibit "I-1"). She also submitted 4 pictures of other mobile homes that are in the area, (Exhibit "I-2"). There are five other mobile homes in the area right now. The subject property is one-acre in size. There was a mobile home on the subject property several years ago. They will put in a septic system, and they are aware that this will require Health Department approval.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "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, and a Variance (Section 440 (a) (c) (d) (e) - Special Exception Uses in Residential Districts, Requirements) of the required removal bond, and one year time limitation, to permit occupancy of a mobile home in an RS-3 zoned district under the provisions of Section 1670, for a period of five years and subject to Health Department approval, on the following described property:

A tract of land in Section 11, Township 18 North, Range 12
East, Tulsa County, Oklahoma, described as follows to wit:

Case No. 12854 (continued)

Beginning at a point 1047.48' South of the NE corner of the NW/4 of the NE/4; thence 140.52' South; thence West 330'; thence North 140.52'; thence East 330' to the point of beginning, containing 1-acre.

Case No. 12855

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 at the NE corner of East 21st Street South and South 101st East Avenue.

Presentation:

Jim Head, 10101 East 21st Street, informed they would like to have 12 to 15 cars on the lot and they would not do any repair work on the subject property. There is an enclosed garage on the property to do maintenance work in. There is also an office, a public telephone, and a sign on the lot. The frontage meets the requirements of the Code. He described the surrounding area. Mr. Head is presently under a ten month lease on the property. He received temporary permission from the City to operate until this meeting. He has upgraded the property a great deal.

Protestant:

There was a letter of protest from the Burlingame and Associates Management Company (Exhibit "J-1").

Comments:

Mr. Chappelle requested to see the minutes of a similar case heard on April 1, 1983.

Mr. Gardner informed if the permission is tied to the applicant's lease, he can continue to get a lease. If the Board is thinking about a time limit, they should just specify a time, and then at the end of that time, the applicant can reapply and if he had done a good job, then the Board could take the time restriction off of it.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1217) to permit a used car sales in a CS zoned district under the provisions of Section 1680 for a period of two years, with the conditions that there be a maximum of 15 cars, that there be no maintenance or repairs, and that it run with this operator only, on the following described property:

The South 200' of the West 200' of Lot 1, Block 1 of Magic Circle South Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12856

Action Requested:

Variance - Section 610 - Principal Uses Permitted in Office Districts-
Use Unit 1209 - Request for a variance to permit maintaining a mobile
home in an OL zoned district under the provisions of Section 1670,
located north of the NW corner of 89th Street South and Yale Avenue.

Presentation:

Henry Eaton, 8824 South Yale Avenue, informed the Board gave previous
permission to put the mobile home on the subject property, and now
they would like an extension of the permission. He informed that the
mobile home will be removed upon the sale of the subject property.
The zoning of the property has been changed to OL, so the market for
selling the property is getting better. He would like this permission
granted for one year or until the property is sold.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0
(Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser,
Smith, "absent") to approve a Variance (Section 610 - Principal Uses
Permitted in Office Districts - under the provisions of Use Unit
1209) to permit maintaining a mobile home in an OL zoned district
under the provisions of Section 1670, for a period of two years or
until the sale of the property, whichever comes first, with removal
bond required, on the following described property:

The South 100' of the North 500' of the E/2 of the E/2 of the
SE/4 of the SE/4 of Section 16, Township 18 North, Range 13
East, LESS the West 25' for Roadway purposes, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12857

Action Requested:

Variance - Section 610 - Principal Uses Permitted in Office Districts-
Use Unit 1217 - Request for a variance to permit used car sales in
an OL zoned district under the provisions of Section 1670, located
west of the NW corner of 89th East Avenue and 21st Street.

Presentation:

V. W. Robertson, 782 South 101st East Avenue, represented the property
owner, Dave Kehne. Mr. Robertson informed that Mr. Kehne has an
accountant's business and a tax service on the subject property at
the present time, and because this business is seasonal, he would
like to put in a used car lot on the west front-half of his property.
He has no garage and would not have more than 15 cars on the lot.
There would be no automotive repair work done on the property. There
is an existing office building on the property with 5 or 6 offices
in it. Mr. Kehne complies with all the state requirements for having
a used car lot. The nearest car sales or automotive activity is
about one-half of a mile from the subject property. Mr. Robertson
described the subject property and the zoning in the area. There are
residences next door to the subject property.

Protestants:

Mrs. Ray Cosby, 8705 East 21st Street, informed they own the property to the east of the subject property. They had submitted a letter (Exhibit "K-1") which stated that Mr. Cosby supported the application and Mrs. Cosby opposed the application. She informed that the only reason her husband supported the application was because if it is approved he would like to have a muffler repair shop--the property values would be ruined anyway by the car lot. She informed they have owned their residence for 20 years and have done a lot of work on the property. They do not want a precedent set in the area that would decrease their property values. She was concerned about the type of cars that could be put on the property. She informed that the Board has previously denied a doctor's office on the property next door to the subject property.

Nancy Hammond, 8801 East 21st Street, informed she has just remodeled her house and she does not want a used car lot in the area. She was also concerned about where the applicant's tax customers would park their cars during tax time.

Ray Bradley, 6319 South Indianapolis Avenue, owns 5 acres west of the subject property. He is concerned that a used car lot will degrade the residential property in the area. He informed that an automobile business has to have repairs and maintenance.

Applicant's Rebuttal:

Mr. Robertson stated that the area is changing. He informed that the Board granted a variance on the corner of 89th East Avenue and 21st Street for a multi-unit. Mr. Gardner informed that this was for an elderly housing project.

Comments:

Mr. Jackere informed there is no commercial activity along 21st Street except on the intersection corners of Memorial Drive and I-44.

Mr. Victor informed the applicant that his application requires that he prove some kind of hardship for this variance. The Board cannot consider a financial reason as a hardship--there must be something unique about the property that makes it unusable for anything other than what is being asked for.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to DENY a Variance (Section 610 - Principal Uses Permitted in Office Districts - under the provisions of Use Unit 1217) to permit used car sales in an OL zoned district under the provisions of Section 1670, on the following described property:

The South 297' of the East 165' of the West 800' of Block 10, O'Connor Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12858

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1214 - Request for an exception to permit Shopping Goods and Services in an IL zoned district under the provisions of Section 1680, located west of the SW corner of 55th Place South and South Garnett Road.

Presentation:

James Reed, 1606 First National Bank Building, represented C. Clark Enterprises, the owner of the subject property. The property has been used for warehousing and wholesaling for about the last 6 years by the same owner. Mr. Clark has a small showroom on the premises which is available for retail type services; however, most of his work is done on a wholesale volume type business. The showroom is basically there for wholesale buyers. Mr. Clark entertains retail customers if they happen to come in which does not happen very often in this area. Across the street from the subject property is the Sears Warehouse which is probably 10 times as large as the applicant's warehouse. The Sears Warehouse also has a showroom and does basically the same type of business. He presented some pictures of the business location. The applicant was not aware that he was in violation of the zoning. He wants to conform and retail requires a special exception. He will not change the building or any of his activities that he had been carrying on for the last six years. They were not here because someone complained about the business. This was caught when they applied for a Certificate of Use and Occupancy and Zoning Clearance.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 910-Principal Uses Permitted in Industrial Districts - under the provisions of Use Unit 1214) to permit Shopping Goods and Services in an IL zoned district under the provisions of Section 1680, on the basis that the business continue as it has been and that the retail portion of the business not be enlarged, on the following described property:

The West 110 feet of Lot 12, Block 10, Tulsa Southeast Industrial District, Blocks Nine through 12 inclusive, a resubdivision of Block C and parts of Block A and B, Tulsa Southeast Industrial Extended, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12859

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 Memorial Drive and South Skelly Dr.

Presentation:

Kenneth L. Tate, 7706 South 73rd East Avenue, is a new automobile dealer in Tulsa. He submitted a plot plan and some drawings (Exhibit "L-1"). He described the property and informed they would like to

Case No. 12859 (continued)

remodel the building on the subject property into a showroom floor and the general offices. There will be retail sales on the property. Any mechanical work will be done on land that is zoned for that purpose. They will sell Datsun automobiles and light pickups. The building on the subject property is currently an office building and they need an exception to change the office building to a showroom floor and to be able to retail the automobiles.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve 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, per plot plan, on the following described property:

TRACT #1: Beginning at the NE corner of Lot 5, Block 1, GROVELAND ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence South 41°-25'-30" East along the common boundary of Lot 6 of Said Addition a distance of 330'; thence South 48°-34'-30" West a distance of 100'; thence North 41°-25'-30" West a distance of 330' to the North boundary of Lot 5 of Said Addition; thence North 48°-34'-30" East along the Said North boundary a distance of 100' to the point of beginning; AND
the Westerly 200' of Lot 6, Block 1, GROVELAND ADDITION, an Addition to the City of Tulsa, State of Oklahoma, according to the Recorded Plat thereof.

TRACT #2: The East 100' of Lot 6, Block 1, GROVELAND ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Okla., according to the Recorded Plat thereof.

Case No. 12860

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 Columbia Avenue from 30' to 28.25' and a variance of the side yard requirement from 10' to 6' to permit enclosing an existing porch in an RM-2 zoned district under the provisions of Section 1670, located at the NW corner of Columbia Avenue and 5th Street.

Presentation:

Lisa Johnson, 8802 South 65th East Place, informed she owns the house on the subject property. She did not know that she had to have a permit to enclose the porch of the house, so she went ahead and had it enclosed. When she went to get her permit, she was informed that her house encroached--it is 4 feet too wide and 2 feet too long. The house is 75 years old. She informed that the houses on either side of her house encroach even more than her house does. The house to

the north of the subject property has an enclosed front porch. Her house lines up with the adjacent houses.

Protestant:

Harold Goad, Sr., 2721 East 5th Street, represented the residents in the area of the subject property. He presented a petition from six people in the area protesting the application and 5 pictures (Exhibit "M-2") of the structure on the subject property and how it is built. He informed that the neighbor's objection to the application is the type of structure that is on the property--they do not like the type of materials it is built of and they do not like that it has no foundation. He informed that the applicant continued work on the enclosure even after they were ordered to stop work. They would like the enclosure torn down.

Applicant's Rebuttal:

Ms. Johnson informed they did not extend the roofline and the steps to the porch are not coming out on the public sidewalk. They are coming out on the existing walkway that used to go up into the house. She informed the enclosure does not look good because it has never been finished. They stopped work on the enclosure when they were told to stop. She submitted a drawing of the enclosure and a plot plan (Exhibit "M-1"). There is a crawlspace under the porch and they are planning to put white lattice work around the bottom of the porch.

Comments:

Mr. Victor does not believe that anything of a structural nature is under the responsibility of this Board.

Mr. Jackere reminded the Board that beauty is in the eye of the beholder and the protestant indicated that if this was built more in the taste of the neighbors, they would have no objection. He stated that this Board is not an architectural review committee.

Ms. Hubbard informed the Board that when the Board approves an application she can clear the application for a building permit through zoning. It then goes to the Building Code reviewer and he reviews it for Building Code compliance. If he has a problem with it, he will get in touch with the applicant and tell them what needs to be done to bring the building up to Code requirements.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "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 Columbia Avenue from 30' to 28.25' and a variance of the side yard requirement from 10' to 6' to permit enclosing an existing porch in an RM-2 zoned district under the provisions of Section 1670, on the following described property:

The North 45' of the South 90' of Lot 13, Block 4, Highland Second Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12860 (continued)

Mr. Victor reminded the applicant that she would still have to go through the Building Inspections Department for their approval.

Case No. 12861

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Request for an exception to permit extending previously approved hours of operation past 10:00 p.m. on the west Diamond and 9:00 p.m. on the east Diamond and an exception to permit an infant day-care center in an RM-2, CS and RS-1 zoned district under the provisions of Section 1680, located east of the NE corner of Memorial Drive and 17th Street.

Presentation:

Mary Espey, 1920 South Lewis Avenue, is the Executive Director of the Tulsa Y.W.C.A. They would like to have permission to have their softball lights on until 10:30 on school nights on the east field and 10:00 on the west field. The number of girls playing softball has increased a great deal since the beginning of the softball program and they need additional time in the evening to get all the games played. They would like to keep the lights on at the ballfields until 12:00 midnight on the weekends. She submitted petitions signed by area residents who are in favor of the application (Exhibit "N-1") and a list of names of girls who have gone on to college with a softball scholarship (Exhibit "N-2"). She submitted a map of the area (Exhibit "N-3") and 2 photographs of the subject property (Exhibit "N-6").

Mrs. Espey informed that the east Y.W.C.A. would like to conduct a licensed day-care center in their present building. This day-care center would be for children who are not old enough to go to a common day-care center. They would like to be licensed for eight children between the ages of 6 weeks and 9 months. They would operate from 7 a.m. until 6 p.m. from Monday through Friday.

Protestants:

Lee Richey, 8191 East 16th Street, was present to protest leaving the ballfield lights on after 10:00 p.m. He informed that in the past they have had the lights on and were playing ball until 3:00 a.m. This made it very difficult for the area residents to sleep. He would not be against leaving the east lights on until 10:00 p.m. He informed that on most holidays they leave the lights on longer than they have permission to.

Loretta Endres, 8502 East 16th Street, lives directly across the street from the subject property. Her family has no objection to the Y.W.C.A. ball program as long as they maintain reasonable hours. They are concerned with the fact that the children probably do not need to be playing ball after 10:00 p.m. They do not feel this is in the best interest of the girls. She informed that at the hearing for the previous case in 1976 (#6926) the Board imposed the condition that timers would be put on the lighting system so that they would go off at the proper times. She informed that the timers were never installed. She informed that it was hard to complain to the Y.W.C.A.

Case No. 12861 (continued)

because the disturbances occurred at night and the complaints had to be made after-the-fact. She would not mind if both diamonds have the time limit of 10:00 p.m. She also requested that the timers be installed on the lights. She submitted a letter from Robert and Betty King, 8192 East 16th Street, protesting this application (Exhibit "N-4").

Ralph Moore, 8503 East 17th Street, does not oppose the day-care center, but is opposed to the extension of the lights. He would like to have the timers installed on the lights. He sent a letter protesting this application as well (Exhibit "N-5").

Frances Moore, 8503 East 17th Street, is concerned because one of the objectives of the Y.W.C.A. is to encourage people to respect authority and rules, and she feels that they are not even respecting authority and rules themselves.

Applicant's Rebuttal:

Clayta Stead, 8925 East 15th Street, informed that the great majority of homeowners in the area support the new time limit. She informed that she and her husband were willing to take the complaints that any of the homeowners would have in the evening. They live nearby and take care of the fields. She informed that the timers for the lights were installed, but they were torn out by vandals.

Comments:

Mr. Gardner feels the people in the neighborhood would have more problems with the lighting part of the application than with the day-care center. He informed the day-care center is further to the west near the commercial zoning and the ballfields are further to the east near the residential zoning.

Mr. Victor was curious as to why the applicant did not submit a petition for the day-care center along with the petition for the lights.

Mr. Wait asked if a possible solution to the lighting problem might be to have additional ballfields on which to play and he was informed that this would be economically impossible and there is no room for additional fields. Discussion ensued as to other possible places to play.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205) to permit extending previously approved hours of operation from 10:00 p.m. on the west diamond and 9:00 p.m. on the east diamond, to 10:30 p.m. on both diamonds and an Exception to permit an infant day-care center in an RM-2, CS and RS-1 zoned district under the provisions of Section 1680, with the conditions that the Y.W.C.A. maintain timers on the lights, and that the day-care center be limited to eight children with the operation hours of 7 a.m. until 6 p.m. from Monday through Friday, on the following described property:

Lot 3, Block 1, John Calvin Addition and the S/2 of Lots 1 and 2, Block 4, O'Connor Park Addition, City of Tulsa, Tulsa County, Oklahoma.
11.3.83:399(21)

Case No. 12862

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit a Y.W.C.A. building and an exception to permit a day-care center in a CS and RM-1 zoned district under the provisions of Section 1680, located south of the SE corner of 52nd Street North and Owasso Avenue.

Presentation:

Mary Espey, 1920 South Lewis Avenue, informed they have purchased 1.03 acres of property, and the Y.W.C.A. would like to build a north Y.W.C.A. on this property. She submitted plans of the proposed facility (Exhibit "O-1") which is a 1,600-foot building. The building will serve usual Y.W.C.A. activities, as well as a day-care program during the daytime hours. There is a community room and a health approved kitchen. This would be a definite asset to the community. The day-care center will be licensed for 24 children and will operate Monday through Friday from 6 a.m. until 6 p.m.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1205) to permit a Y.W.C.A. building and an exception to permit a day-care center in a CS and RM-1 zoned district under the provisions of Section 1680, for a maximum of 25 children with the operation hours of 6 a.m. to 6 p.m., Monday through Friday, on the following described property:

Beginning 75' North and 150' West of the Southeast corner of the NE/4; thence North 300'; thence West 150'; thence South 300'; thence East 150' to the Point of Beginning in Section 12, Township 20 North, Range 12 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12864

Action Requested:

Variance - Section 240.2 (e) - Yards - Permitted Yard Obstructions - Request for a variance of the maximum permitted floor area ratio for a detached accessory building from 750 sq. ft. to 883.4 sq. ft. to permit erecting a garage in an RS-1 zoned district under the provisions of Section 1670, located at the NW corner of Zunis Avenue and 45th Place.

Presentation:

The applicant, Bill Blackburn, 221 East 20th Street, was not present.

Protestants: None.

Board Action:

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

Case No. 12864 (continued)

Purser, Smith, "absent") to continue Case No. 12864 to the November 17, 1983, meeting.

Case No. 12865

Action Requested:

Variance - Section 240.2 - Yards - Permitted Yard Obstructions - Use Unit 1206 - Request for a variance of the maximum floor area ratio of detached accessory buildings from 750 sq. ft. to 1,070 sq. ft. to permit a newly constructed garage and an existing gazebo in an RS-2 zoned district under the provisions of Section 1670.

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 25' to 16' to permit a covered patio in the rear yard in an RS-2 zoned district under the provisions of Section 1670, located East of the SE corner of South Toledo Avenue and East 103rd Street South.

Presentation:

Perry Hood, 4512 East 103rd Street South, informed the building will be used as a cabana for use in conjunction with their swimming pool and for storage purposes. The plans for the building match the Victorian Design of their home. He informed that his lot is exceptionally big--it has approximately 22,000 square feet. This is three times the square-footage of an average sized lot. He informed there are several similar buildings in the general area that blend in with the neighborhood. The accessory building will be 1,020 square feet and the existing gazebo is 50 square feet. The gazebo was on the lot when they bought the property. He informed the existing garage is attached to the house. He submitted a plot plan (Exhibit "P-1"). The cabana will be a dressing area and a lavatory. The cabana area will be 10' by 12'. There will be a shower in the cabana, but there will not be a kitchen.

Protestants: None.

Comments:

Ms. Hubbard informed that the applicant has filed a letter of use intent with Protective Inspections stating that this will not be used for a dwelling unit or commercial purposes.

Mr. Victor stated that he does not have a problem because of the size of the lot, but he is not sure what the hardship is to allow the variance.

Mr. Jackere informed the Board that the size of the lot may justify the coverage of the various structures.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 240.2 - Yards - Permitted Yard Obstructions - under the provisions of Use Unit 1206) of the maximum floor area ratio of detached accessory buildings from 750 sq. ft. to 1,070 sq. ft. to permit a newly constructed garage and an existing gazebo in an RS-2 zoned district

Case No. 12865 (continued)

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 25' to 16' to permit a covered patio in the rear yard in an RS-2 zoned district under the provisions of Section 1670, per plot plan, on the following described property:

Lot 2, Block 2, Sunland Park Estates Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12866

Action Requested:

Variance - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1217 - Request for a variance to allow a mini-storage facility in an AG zoned district under the provisions of Section 1670, located north of the NW corner of 65th Street South and Mingo Road.

Presentation:

Tom Tannehill, 1516 South Yorktown Place, represented Never M. Fail, Jr., of Never Fail Builders. He informed that this is a 3.67 acre tract of land. He submitted 6 photographs of the subject property and the adjacent area (Exhibit "Q-1") and described the surrounding property. This tract is unique because residential use on it is very questionable in consideration to the existing commercial uses to the east and north of it and the traffic situation on Mingo Road at this location. He submitted a detail site plan (Exhibit "Q-2") and informed that his client is proposing to leave the existing residence on the property for a manager's quarters. There will be a locked gate that will roll back. Mini-storage buildings generate only about 20 to 30 trips a day. The buildings will set back 200 feet west from the center-line of Mingo Road, and all the other setbacks meet or exceed any zoning setback requirements. There will be a water detention area on the east side of the property. The storage buildings will contain approximately 44,000 square feet of storage space. The buildings will be one-story in size and will be made of steel. They will be tan in color and vary in height from 10 to 11 feet. The development standards that were given to the Staff in the filing of this application are specific as to each and every detail of square-footage and parking spaces, etc. Mr. Tannehill indicated that the hardships for this variance are that taking up the eastern portion of the property with the detention pond makes the development of the property an inefficient land use for the rest of the land, and when they developed the land west and south of the subject property, they increased the size of the drainage area to the west to such a great degree that it decreased the potential size of development of the subject property. What is left would not be conducive to conventional development.

Protestants: None.

Comments:

Mr. Gardner informed that the applicant does have approval for Corridor zoning, but this area is not a corridor because there is no expressway. The Staff would rather the Board approved the application so the applicant can drop the Corridor application. The Staff thinks the request has merit based on another factor on two basis besides the drainage

Case No. 12866 (continued)

and the shape of the property. The applicant could build the mini-storage as a part of the apartment complex, but he could not open it to the general public as a business storage. The only difference is that he wants to make it accessible to the general public. The Staff would like the Board to limit the proposal to specifically what the applicant is presenting in order to keep the Comprehensive Plan and the Guidelines intact.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 310 - Principal Uses Permitted in the Agriculture District - under the provisions of Use Unit 1217) to allow a mini-storage facility in an AG zoned district under the provisions of Section 1670, per plot plan, on the following described property:

The East 693' of the North 231' of the S/2 of the NE/4 of Section 1, Township 18 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, Oklahoma.

Case No. 12867

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1214 - Request for an exception to permit a flea market in an IL zoned district under the provisions of Section 1680, located at the SW corner of Pine Street and Richmond Avenue.

Presentation:

David Pidgeon, 3202 East Tecumseh Avenue, informed they had a permit to have a flea market for one year and they would like this granted for an indefinite period. They operate everyday from daylight until dark. The applicant submitted 17 photographs (Exhibit "R-1") of the parking lot and the subject property. Mr. Pidgeon informed that after it rains, they have a cleanup period because a lot of their stuff is stored outside in boxes. They are still using portable toilets for their restroom facilities. He informed that their business is seasonal and they remove the portable toilets in the winter.

Protestants:

Norma Russell, 1340 North Pittsburg Avenue, submitted some photographs that were taken on October 31, 1983 (Exhibit "R-2"). She informed that there are pasteboard boxes that sit out on the subject property constantly in every kind of weather. This makes it a good place for rats to live. She informed that the business is very unsightly and they do not want it in the area. She lives right across the street from the subject property. She informed that people move in trailers and live in the back of their trucks in campers. She feels that this is a health hazard.

Glenda Badwell, 1325 North Pittsburg Avenue, submitted a letter from her neighbor protesting this application (Exhibit "R-3"). She informed they have called the Health Department several times about the business. They feel that the operations of the business cause a health hazard and their merchandise could be hazardous to the children in the area who might play on the property. She informed that the property is

Case No. 12867 (continued)

constantly messed up and is a dump. She lives down the street from the subject property.

Comments:

Mr. Gardner informed that part of the concern of the Staff and the Board at the last meeting in granting the approval for only a year was to see how this facility might operate. Mr. Gardner drove past the site this week and it appeared that things were just out on the ground as opposed to being packed away. He feels that the photographs show that this has taken on a junk yard appearance. He does not feel that the operation is one that the Board ever intended it to become.

Mr. Victor informed that the applicant was given approval for one year to allow them to improve the property.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to DENY a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - under the provisions of Use Unit 1214) to permit a flea market in an IL zoned district under the provisions of Section 1680, on the following described property:

The NW/4 of the NW/4 of the NE/4 of Section 33, Township 20 North, Range 13 East, Tulsa, Tulsa County, Oklahoma.

Case No. 12868

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial District - Use Unit 1214 - Request for a Variance of the setback requirement from abutting "R" Districts from 10' to 5' in a CS zoned district under the provisions of Section 1670, located East of the SE corner of Sheridan Road and Pine Street.

Presentation:

William G. Elliott, 1918 East 51st Street, submitted a letter (Exhibit "S-1"), 5 photographs of the subject property and surrounding area (Exhibit "S-2"), and an aerial photograph (Exhibit "S-3"). He informed that the building on the subject property will be totally remodeled, and a high quality furniture store will be put in on the property. The owner of the property is Wild Bill's Furniture, Incorporated. The property backs to Saint Peter's and Paul's School and playground. This is a one-story building and is located on the middle of the lot. This prohibits full usage of the lot. They are allowed 50% coverage on the property, but they are asking for only 45% coverage on the lot-- this means that they will need to build in the back. They want to attach a building to the existing building. The buildings will be attached by a breezeway. The new building will be a fully insulated metal building and will blend into the back of the old building. He informed that this part of town has been in a decline. They feel that their proposal will contribute to the betterment of the neighborhood. The existing building front will be renovated and remodeled.

Protestants: None.

Case No. 12868 (continued)

Comments:

Mr. Gardner informed that this is abutting a residential district which is why it requires a setback, but it is not a housing addition--it is a school. The purpose of the 10-foot setback was to make sure that there was adequate setback between single-family residential and commercial. In this instance, it is zoned residential, but there is a lot of distance between buildings.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in the Commercial District - under the provisions of Use Unit 1214) of the setback requirement from abutting "R" Districts from 10' to 5' in a CS zoned district under the provisions of Section 1670, per site plan, on the following described property:

The West 15' of Lot 4 and all of Lot 5, Block 2 and a part of the East 180' of the North 150' of the West 300' of Block "A" in Saint Peter and Paul Subdivision in Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Case No. 12869

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit a preschool in an existing school in an RM-2 zoned district under the provisions of Section 1680, located at the SW corner of South 57th West Avenue and Charles Page Boulevard.

Presentation:

Juanita Mansker, 1970 North Denver Boulevard, informed that the Tulsa County Headstart Program is a program that is funded by the Federal Government to serve 395 children in Tulsa County. They are generally in urban areas and do a lot of busing. They would like to put a Headstart Center into Riley Elementary School. There is a classroom in this building that has been offered to the Headstart Program. They have completed enrollment for all the children who will be attending. They will be licensed for 20 children in this classroom. They would like to expand this number in the future if the public school has another classroom available. The hours of operation are the hours that the public schools are in session during normal school days. They are required by the Federal Government and Fire Department to have a sign with the telephone number of the center and the name. They will put this sign near to the door of the center. The sign will be about 2' by 3'--6 square feet. The entrance will be from the playground. This is approved by the licensing department, as is the play area.

Protestants: None.

Comments:

Mr. Gardner informed the Board should tie this to the State Licensing Department as far as the number of students allowed, and then if they get another classroom they can add the additional students without coming back to the Board.

Case No. 12869 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1205) to permit a preschool in an existing school in an RM-2 zoned district under the provisions of Section 1680, with the conditions that the number of children be determined by the State Department of Licensing, that it be operated during regular school hours on school days, and that there be a sign 6 square feet in size, on the following described property:

Lots 1, 2, 3, and 28-33, Block "A", Lots 34-40, Block "F", Medio Addition, and the South 272' of the North 297' of the East 165' of the NE/4 of the NW/4 of Section 8, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

Case No. 12870

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 25' to 10' in an RS-2 zoned District under the provisions of Section 1670, located west of the SW corner of Utica Avenue and East 36th Court.

Presentation:

The applicant, Frederick K. Slicker, was represented by Ken Cox, 4100 Bank of Oklahoma Tower. He submitted signatures of the neighboring landowners (Exhibit "T-1") and 7 pictures with explanations showing what is proposed and how the structure presently exists (Exhibit "T-2"). The applicant would like to add on a cabana to the back of his house. The subject property is structured such that this is really the only place that he can add on to the house due to the pie shape of the lot and due to the terrain of the lot which slopes toward the back.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "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 25' to 10' in an RS-2 zoned district under the provisions of Section 1670, per survey submitted, on the following described property:

Lot 15 and the West 10' of Lot 16, Block 8, Woodland Heights Addition to the City of Tulsa, Oklahoma.

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1205 - Request for an exception to permit a preschool in an existing school in an AG zoned district under the provisions of Section 1680, located east of the SE corner of 29th West Avenue and West 53rd Street South.

Presentation:

Juanita Mansker, 1970 North Denver Boulevard, informed that the Tulsa County Headstart Program is a program that is funded by the Federal Government to serve 395 children in Tulsa County. They are generally in urban areas and do a lot of busing. They would like to put a Headstart Center into Remington Elementary School. There is a classroom in this building that has been offered to the Headstart Program. They have completed enrollment for all the children who will be attending. They will be licensed for 19 children in this classroom. They would like to expand this number in the future if the public school has another classroom available. The hours of operation are the hours that the public schools are in session during normal school days. They are required by the Federal Government and Fire Department to have a sign with the telephone number of the center and the name. They will put this sign near to the door of the center. The sign will be about 2' x 3'--6 square feet. The children will use the same entrance as the children in the elementary school. This is approved by the licensing department, as is the play area.

Protestants: None.

Comments:

Mr. Gardner informed the Board should tie this to the State Licensing Department as far as the number of students allowed, and then if they get another classroom, they can add the additional students without coming back to the Board.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "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 preschool in an existing school in an AG zoned district under the provisions of Section 1680, with the conditions that the number of children be determined by the State Department of Licensing, that it be operated during regular school hours on school days, and that there be a sign 6 square feet in size, on the following described property:

The East 760' of the South 1,146.31' of the SE/4 of the NW/4 of Section 34, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1220 - Request for a variance of the minimum frontage on a public street or dedicated right-of-way from 30' to 0' in an RS-3 zoned district under the provisions of Section 1670.

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Request for a variance of the rear yard requirement from 20' to 6' in an RS-3 zoned district under the provisions of Section 1670.

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request for a variance to permit a temporary building for seasonal intermittent use (concession stand) in an RS-3 zoned District under the provisions of Section 1670, located north of 31st Street South and east of South 116th East Avenue.

Presentation:

Phil Montelbano, 8215 East 35th Street, represented the East Tulsa Soccer Club. He informed they would like to construct a 30' x 40' temporary metal concession building for seasonal intermittent use. He presented some photographs that demonstrate that ingress and egress to the soccer field area is by foot. The building will be temporary in as much as they have a month to month lease on the subject property from the Tulsa Public School System. They are constructing in a floodplain area (Exhibit "U-1") and the temporary nature of the building is so that the metal portion can be dismantled and moved to another location should they lose their lease with the school system. They will put down a concrete slab and a foundation system. It will also be stubbed for plumbing, and when funds permit, they will tie in to the Public Sewer System. They are asking for the second Variance due to the fact of the Federal Floodplain right-of-way which the Hydrologist has asked them to stay no closer than 40' to. This put them to the very edge of the one-acre, on which they have a specific lease. They have a specific lease on the one-acre because it will save them some funds when they tie into the sewer system. Mr. Montelbano submitted a plot plan (Exhibit "U-2").

Protestants: None.

Comments:

Mr. Victor asked about the dedicated right-of-way which is mentioned in the first variance, and Mr. Gardner informed the way the thing is described, they are describing a small piece of property within the overall 40-acre tract. The piece of property where the concession stand will be does not abut a public street, so they need this variance. He also informed that they do not need a street because the access to the property is just the walking traffic to the facility of the people who are there for the soccer games.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve a Variance (Section 207 - Street Frontage Required - under the provisions of Use Unit 1220) of the minimum frontage on a public street or dedicated right-of-way from

Case No. 12872 (continued)

30' to 0' in an RS-3 zoned district under the provisions of Section 1670, a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts) of the rear yard requirement from 20' to 6' in an RS-3 zoned district under the provision of Section 1670, and a Variance (Section 410 - Principal Uses Permitted in Residential Districts) to permit a temporary building for seasonal intermittent use (Concession stand) in an RS-3 zoned district under the provisions of Section 1670, per plot plan, on the following described property:

Beginning at a point 607' north of the SW corner (and on the Quarter Section Line) of SE/4 of the SW/4 of Section 17, Township 19 North, Range 14 East, Tulsa County, Oklahoma; thence East parallel to the South line of said SE/4 of the SW/4 a distance of 426.641'; thence North parallel to the West line of said SE/4 of the SW/4, a distance of 102.1'; thence West parallel to the South line of said SE/4 of the SW/4 a distance of 426.641'; thence South along the Quarter Section line, a distance of 102.1' to the point of beginning, containing 1-acre, more or less.

Case No. 12873

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 lots abutting CS zoned property in an RS-3 zoned district under the provisions of Section 1680, located at the NW corner of Indianapolis Avenue and 36th Street.

Presentation:

Robert Pierson, 3515 South Harvard Avenue, informed this is a follow-up on an earlier request that they made. Christ Methodist Church is attempting to place a parking lot on the corner of the square block where their church is located. They came before the Board in September and received a variance for lots one and two, Block four, Eisenhower Addition, and now they would like this special exception on lots three four. They are negotiating the purchase of lot five, and they would like to go ahead and receive permission for this lot as well, if possible. This will finish out the block. They will have either a concrete surface or an asphalt surface. He presented a perspective drawing of what the parking lots will look like.

Protestants: None.

Comments:

Mr. Gardner informed this could be granted, subject to the finalization of the purchase agreement on lot 5.

Board Action:

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

Case No. 12873 (continued)

for Church use on lots abutting CS zoned property in an RS-3 zoned district under the provisions of Section 1680, per plot plan, with an all-weather surface required, and subject to the finalization of the agreement to purchase Lot 5, on the following described property:

Lots 3, 4 and 5, Block 4, Eisenhower Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12874

Action Requested:

Variance - Section 420.2 (d) - Accessory Uses in Residential Districts-
Signs - Use Unit 1206 - Request for a variance of the permitted sign surface area from 32 sq. ft. to 128 sq. ft. and a variance of the permitted sign height from 15' to 30' to permit erecting a sign in an RS-3 zoned district under the provisions of Section 1670, located north of the NW corner of East 21st Street South and South 131st East Avenue.

Presentation:

Sharon Grace, 1950 South 131st East Avenue, represented the applicant, Jackie Lair, and LaPetit Academy. She informed they set behind the Plaza III Shopping Center and people on 21st Street and 129th East Avenue do not know the school is located where it is because you can't see their building from that intersection. She submitted a petition signed by the business owners in the area stating that they did not object to the application (Exhibit "V-1"). They would like for the sign to be seen above the shopping center and the doctor's office which sets in front of their building. The sign would be located on the northwest corner of their property in the back yard.

Protestants: None.

Comments:

Mr. Gardner informed the applicant is asking to increase the sign size 300% and the sign height 100% from what is permitted in the Code.

The Board members informed they would like to see a picture of the sign and view the site before they came to a decision on this case. They had a problem with the proposed size of the sign.

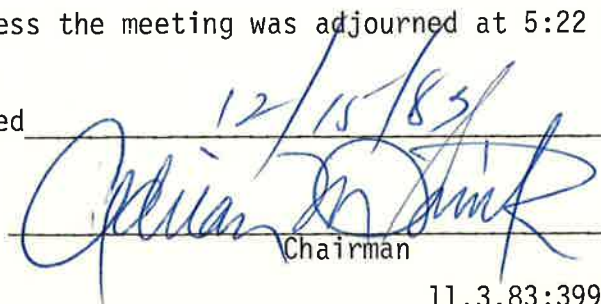
There was discussion as to other possible solutions to their problem of people not being able to see the building.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 12874 to the November 17, 1983, meeting.

There being no further business the meeting was adjourned at 5:22 p.m.

Date Approved

12/15/83

Chairman