

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 400
Thursday, November 17, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Chappelle
Purser (in at 1:48 p.m.)
Smith
Victor (in at 1:28 p.m.)
Wait

STAFF PRESENT

Gardner
Jones
Wiles

OTHERS PRESENT

Hubbard, Protec-
tive Inspections
Jackere, Legal
Department
Linker, Legal
Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, November 15, 1983, at 11:15 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 1:07 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. 12379

Action Requested:

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

Presentation:

The applicant, Franklyn Casey, 3140 South Winston, was not present.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12379 to the December 15, 1983, meeting.

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 Pl.

Case No. 12864 (continued)

Presentation:

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

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12864 to the December 1, 1983, meeting.

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:

Jackie Lair was represented by Ralph Grimmer of the National Sign Co., 4601 East Pine Street. He informed that a petition in favor of the application (Exhibit "A-1") and 8 photographs (Exhibit "A-2") were submitted at the previous meeting. The sign will be put on the back of LaPetit's property and will stand just above the roofline of the shopping center that is to the west of the property. He informed that the sign would be a single-face sign and would face only to the west. The back will be painted to correspond with LaPetit's building color. There is no place that a smaller sign could be put and still be seen. He submitted a drawing of the sign (Exhibit "A-3") and a sketch showing where the sign will be placed on the property (Exhibit "A-4").

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 DENY a Variance (Section 420.2 (d) - Accessory Uses in Residential Districts - Signs - Under the provisions of Use Unit 1206) 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, on the following described property:

A tract of land situated in Lot 7, Block 1, Plaza Hills Center Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to wit: Beginning at the Southwest corner of said Lot 7; thence due North and along the West line of Said Lot 7 for 115.80'; thence South 89°-59'-20" East for 15.00'; thence due North for 97.87'; thence South 89°-59'-20" East for 132.28' to a point on the East line of Said Lot 7; thence due South for 213.67' to the Southeast corner of Said Lot 7; thence North 89°-59'-20" West for 147.28' to the point of beginning, containing 30,000 sq. ft., more or less.

11.17.83:400(2)

Case No. 12874 (continued)

Special Discussion:

The applicant asked why this application was denied and Mr. Smith informed him that the Board did not hear the applicant present any hardship in this case and he personally feels like this is quite a bit larger than anything else in the area. This is 400% over what is allowed. Mr. Smith informed the applicant that his appeal is to the District Court. Mr. Jackere informed that what the Board is saying in their action is that the applicant failed to meet his burden of proof in showing that the grounds for granting a variance have been met.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12884

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the rear yard setback requirement from 20' to 16.2' to permit an addition to line up with an existing residence in an RS-3 zoned district under the provisions of Section 1670, located at the SW corner of East 23rd Place South and 87th East Avenue.

Presentation:

William Hite, 2322 South 87th East Avenue, informed that he has an existing three-bedroom house on the subject property, and because of expanding family needs, he would like to expand his living room and his bedroom. His lot is a corner lot, and all he is trying to do is align the addition with the existing portion of the house which does not meet the current setback requirement. There are no encroachments on the easements for utility purposes on his current plat. He submitted a plot plan (Exhibit "B-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 setback requirement from 20' to 16.2' to permit an addition to line up with an existing residence in an RS-3 zoned district under the provisions of Section 1670, per plot plan, on the following described property:

Lot 1, Block 4, Virginia Lee Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12893

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 lot width from 60' to four lots having widths of 50' apiece to permit a lot split in an RS-3 zoned district under the provisions of Section 1670, located north of 51st Street between 28th and 27th West Avenues.

Case No. 12893 (continued)

Presentation:

Jack Stacy, 9640 East 25th Street, informed that the Planning Commission did approve this. He informed that the lots were originally platted in 100-foot widths. The adjacent lots vary from 46' in width to 50' in width. There are two blocks where the original lots were platted in 100-foot widths. He submitted a map of the area (Exhibit "C-1").

Protestants: None.

Comments:

Mr. Gardner informed that the Staff's primary concern was what the immediate property owners within the same block felt about reducing the size of the lots since the lots are much greater in width than even 60'.

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 four lots having widths of 50' apiece to permit a lot-split in an RS-3 zoned district under the provisions of Section 1670, on the following described property:

Lots 5 and 8, Block 4, Oak Grove Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12895

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1217 - Request for a variance of the setback requirement from the centerline of East 11th Street from 50' to 30' to permit erecting a pole sign in a CH zoned district under the provisions of Section 1670, located at the SW corner of Zunis Avenue and East 11th Street.

Presentation:

Casper Jones was represented by Richard Craig from Craig Neon, Inc., 1889 North 105th East Avenue. He submitted 3 photographs of the subject property and of a couple of outdoor advertising signs on an adjacent building that would block the view of the applicant's sign at the normal setback (Exhibit "D-1"). The application is for Lister Pontiac who would like permission to put their sign closer to the street. The sign will be located in the center of the lot's frontage. The sign in question will be 35 feet high and is 137 square feet in size. Mr. Craig is not sure if this sign will block the signs on the adjacent property or not, but he does not think it will because it is smaller than the other signs. He submitted a plot plan (Exhibit "D-2").

Protestants: None.

Comments:

Mr. Wait was concerned that this sign might obstruct the view of the existing signs on an adjacent lot.

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, 11.17.83:400(4)

Case No. 12895 (continued)

Victor, "absent"), to approve a Variance (Section 280 - Structure Setback from Abutting Streets - under the provisions of Use Unit 1217) of the setback requirement from the centerline of East 11th Street from 50' to 30' to permit erecting a pole sign in a CH zoned district under the provisions of Section 1670, with removal contract required and limited to 35' in height and an area of 137 square feet, on the following described property:

Lots 1 and 2, Block 1, Bell Addition, to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12901

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 55' to permit a lot split in an RS-3 zoned district under the provisions of Section 1670, located south of the SE corner of 48th Street and Waco Avenue.

Presentation:

Stephen Collinson, 2117 South St. Louis Avenue, informed that they had originally come before the Board to get approval to split this into three 50-foot lots, but they were unable to sell the house on the north end on a 50-foot lot, so they would like to make it a 55-foot lot. The other lot would become a 95-foot width lot. There is an existing house on each lot. He submitted a drawing of what he plans to do (Exhibit "E-1").

Protestants: None.

Comments:

Mr. Gardner informed that the Board previously approved 3 fifty-foot lots when they built the house on the northern lot. The person who wanted to buy the house would not buy it with just 50 feet--he wanted 55 feet. This new lot-split for only two lots was approved by the Planning Commission.

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 55' to permit a lot split (L-16016) in an RS-3 zoned district under the provisions of Section 1670, on the following described property:

Beginning 668' West of the NE corner of the NE/4, SE/4; thence West 130'; South 260'; East 130'; North 260' to the Point of beginning, Section 31, Township 20 North, Range 14 East, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 12875

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request for an exception to permit office use in an RM-2 zoned district under the provisions of Section 1680.

Variance - Section 630 - Bulk and Area Requirements in the Office Districts- Request for a variance of the screening requirement on the south side, a variance of lot coverage from 50% to 60%, a variance of lot frontage from 50' to 45', a variance of the parking requirements from 11 to 9 spaces, and a variance of the minimum side yard requirement from abutting residential districts from 10' to 1.8' and 6.2' in an RM-2 zoned district under the provisions of Section 1670, located north of the NE corner of East 21st Street South and South Boston Avenue.

Presentation:

Bob Snyder, 1702 East 30th Place, informed that they have acquired two adjoining lots each of which has a four-unit apartment building located on it. He would like to convert these structures to light office use. He submitted 2 pictures of the existing two buildings (Exhibit "F-1") and a proposed front elevation (Exhibit "F-2") which would be identical on each building. He intends to maintain the character and historic charm in the neighborhood of these older buildings while completing a very functional and attractive project, which he believes will be a desirable attribute to the neighborhood. He informed that the neighborhood is in the process of conversion from RM-2 to office use, and existing commercial uses range from an attorney's office to the north to a day-care center across the street. He described other uses in the neighborhood. He informed that he has received a favorable reaction from the people in the neighborhood. He submitted a site plan (Exhibit "F-3") and copies of a plat (Exhibit "F-4"). He informed that he no longer needs the variance of the screening requirement on the south side because he now owns the adjoining property. They do propose a screening fence on the south. He described the property and informed that the lot coverage now is just under 60%. His usable space after conversion will be only about 49% of the lot coverage. He informed that all the lots in the area have 45 feet on Boston, and he would like this variance as well. He described his reason for requesting the variance for the parking requirement. He does not want to put any parking spaces in front of the buildings. They no longer need the variance of the 6.2' between the two properties, and rather than a side yard variance on the south side of 1.8', he needs a variance of only .8'. He still does need the variance of 1.8' on the north side of Lot 29.

Protestants: None.

Comments and Questions:

Mr. Victor asked the applicant how wide the parking spaces would be and he was informed that except for the handicap stall, they would be 9' wide and 20' deep. The handicap space is 12' x 20'.

There was discussion about what the parking requirements should be. Mr. Victor felt it would be better to have the parking spaces in front of the building rather than having them park on the street.

Case No. 12875 (continued)

Mr. Gardner informed that the Staff felt that if the nine spaces are sufficient, then that would be preferable, but if they are not, it would be better to put them in the front than on the street. He felt the Board could approve this per their request, but if there is not enough parking, then they have the right to add the parking in the front.

The applicant informed that he would rather have the people park on the property than on the street as well. He would not hesitate to add the additional spaces if they become necessary.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1211) to permit office use in an RM-2 zoned district under the provisions of Section 1680, and a Variance (Section 630 - Bulk and Area Requirements in the Office Districts) of lot coverage from 50% to 60%, a variance of lot frontage from 50' to 45', a variance of parking requirements from 11 to 9 spaces, and a variance of the minimum side yard requirement from abutting residential districts from 10' to 1.8' on the north and .8' on the south in an RM-2 zoned district, per plot plan submitted, under the provisions of Section 1670, on the following described property:

Lots 29 and 30, Block 2, Boston Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12876

Action Requested:

Special Exception - Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1206 - Request for an exception to permit a home occupation (ceramic shop) in an RS-3 zoned district under the provisions of Section 1680, located west of the SW corner of 69th East Avenue and 8th Street.

Presentation:

Donald Suvak was represented by Linda Suvak, 6738 East 8th Street. She submitted a petition signed by her neighbors on 8th Street who had no objection to this application and some of her customers (Exhibit "G-1"). The shop has been open since March, 1983. The hours of the shop are Monday through Saturday, 9 a.m. until 6 p.m. The shop is contained in their basement, so there are no outbuildings involved. She submitted 4 pictures of the house on the subject property (Exhibit "G-2"). They have tried to keep the ceramics shop inconspicuous, so as not to disturb anyone. In 206 working days, they had 153 customers--that averages .74 customers per working day. She described other home occupations which are located on the same block as the subject property. She depends on the income from the ceramic shop to help pay the bills, and she is able to work on this and stay at home with her two small children. They will not have a sign or any other employees. They have a two-car driveway, but most of the customers park on the street in front of their house.

Case No. 12876 (continued)

Interested Party:

Joe Bartlett, 6711 East 8th Street, was present in support of this application and feels the Board should grant the special exception.

Protestants:

Harold Cutler, 6743 East 8th Street, informed he lives across the street and one house east of the subject property. He is protesting this because of traffic congestion that he feels it will bring to the area. He informed that the street is narrow. He feels that this would not enhance the property values in the area, and he does not want a business there. He is also concerned with litter that people might bring and feels the business could cause a safety hazard in the neighborhood.

Applicant's Rebuttal:

Mrs. Suvak informed that the majority of people on the street have single-car driveways and park on the street. She informed that her customers are at the shop from 10 to 15 minutes.

Comments:

Mr. Victor was concerned with the fact that the shop's customers have to come there to pick up their products. He informed that in a lot of home occupations where manufacturing is involved, the product is delivered to the customer rather than having the customer come to the home to pick it up. In this case the retail sales take place at the house. He also pointed out that the other businesses operating in the neighborhood probably are operating illegally.

Mr. Smith asked the applicant what type of product she sold, and she described her product. She informed that they do not sell the finished ware.

Mr. Wait was concerned that the windows in the house might be used as display windows, and Mrs. Suvak informed him that the business was carried on completely in the basement and you cannot see the merchandise from the street.

Mr. Chappelle asked the applicant if they would need a sign, and she informed that they would not. They had a sign at one time, but it bothered the neighbors so they took it down.

Mr. Victor asked the applicant how she happened to be before the Board, and she informed him that someone had complained. Mr. Gardner informed that the sign in the window may have caused the problem.

Board Action:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 4-0-1 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; Purser, "abstaining"; none, "absent") to approve a Special Exception (Section 440.2 - Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1206) to permit a ceramic shop in an RS-3 zoned district under the provisions of Section 1680, to run with this owner only for a period of one year, with the hours of 9 a.m. until 6 p.m. from Monday through Saturday, and subject to the home occupation limitations, on the following described property:

Lot 3, Block 22, Sheridan Hills Addition, to the City of Tulsa,
Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1206 - Request for an exception to permit a home occupation (yoga center) in an RS-3 zoned district under the provisions of Section 1680.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to permit two dwelling units per lot of record in an RS-3 zoned district under the provisions of Section 1670, located at the NE corner of 49th Street and Quaker Avenue.

Presentation:

Judith Franks, 1325 East 49th Street, informed that she is the only person who would be employed for the yoga center, there are no signs on the premises, and she has an accessory building on the lot which she would use. There is no mechanical equipment that would create any kind of noise and there will be no exterior alterations. There is city parking 20 feet from the subject property at Henthorne Recreation Center. If necessary, she could put a parking lot on her land--the subject tract consists of 1/2 an acre. She informed that her property is surrounded by St. Mary's School. Her lot is a pie-shaped lot. She described the surrounding area and the subject property. Most of the applicant's classes are in the evening and are quiet. She has been having exercise classes on the subject property for three years as a service to the community and has never had any parking problems or complaints. She normally has about 8 students. The detached garage is about 800 square feet. If she cannot make a living by teaching the classes, she would like to turn the building into a duplex. She informed that there is a duplex right next door to her. Her neighbors have not said anything to her about her requests--it is fine with them. She was concerned that St. Mary's might object because they have been putting pressure on her to sell her property to them for a parking lot.

Protestants: None.

Comments:

Mr. Gardner informed that the area is unique because of the zoning and development in the area. There are just a few isolated residences, several of which have been purchased by the church or have been converted to duplex use.

Mr. Smith inquired about a 25' easement that runs east and west along the north side of the lot, and Ms. Franks informed this was originally intended to be a street or an alley. There is a school right next to it and an apartment house built on the easement. She does not think they will ever put an alley in there.

The Board informed the applicant that she could not use both the exception and the variance at the same time if they were granted, and she informed that she wanted to use the variance only if the special exception did not work for her.

Mr. Chappelle asked the applicant about the days and hours of operation, and she informed that she had classes Monday through Thursday from 5:30 p.m. until 9:00 p.m. She may have some day classes at a later date.

Case No. 12877 (continued)

Mr. Victor informed that he would like to take the two items one at a time.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 440.2 - Special Exception Uses In Residential Districts, Requirements - under the provisions of Use Unit 1206) to permit a yoga center in an RS-3 zoned district under the provisions of Section 1680, for this owner only, to operate during daytime and evening hours, and with the condition that the people using the building not park on Quaker Avenue, on the following described property:

Lot 6, Block 17, Bellaire Acres Second Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. Victor made a motion to deny the variance which was seconded by Mr. Wait. Before the vote was taken, Ms. Purser informed it might be to the best interest of the applicant if she would withdraw the variance part of the application and then come back if she needs this relief. If she decides to come back if the special exception does not work for her and the case has been denied once, the Board would refuse to hear it again.

Ms. Franks requested to withdraw her request for a variance.

Case No. 12978

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 51st West Avenue and Charles Page Blvd.

Presentation:

Joe McLaughlin, 4934 Charles Page Boulevard, informed that they have sold cars off and on, on the subject property for 18 years since 1965. They let their license expire, and now they need the exception to get the license back. They have not had a current license since 1969. He has sold only three cars this year. He has sold these as an individual would. During the 18 years, there has not been a year when there were no cars stored on the lot. He has always anticipated selling cars. He is scrapping out a truck which he wrecked. The nearest used car dealership to him is 9 blocks to the west. He informed that he normally does not scrap cars and trucks. He informed the protestant's mother has operated a rest home at this house for the last 20 years. He submitted a plat (Exhibit "H-1").

Protestant:

Don Deramo, 5324 South 85th West Avenue, informed he lives one house east of the subject property. He informed that the applicant wants to start a salvage yard--he had had one there in the past. He has no objection to selling one used car in their front yard, but he does object to a used car lot. He informed that the block has all residences except on the corners. He informed that the applicant has two businesses on the lot

Case No. 12878 (continued)

already. All the other businesses in the block are inside businesses.

Applicant's Rebuttal:

Mr. McLaughlin informed that his mother has a beauty shop on the subject property, but she will have to retire shortly. She would like to rent the property out to be used strictly as a car lot. He informed that he will not have a junk yard, and he would be glad to have the truck he is scrapping out hauled off. He informed that his lot is too small to run an auto salvage on. He has scrapped out a few cars on the lot in the past.

Comments:

Mr. Jackere informed that the applicant cannot have a state license until he gets approval from this Board.

Mr. Gardner informed that prior to 1970 a person could sell automobiles in that zoning without an exception. How long he has been selling automobiles on the subject property would determine whether it is nonconforming or not.

Mr. Gardner informed that on the previous action in October on the property next door, the applicant had also asked for auto repair.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "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:

The East 50' of Lot 6, Block 1, Vern Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12879

Action Requested:

Special Exception - Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Home Occupations - Use Unit 1206 - Request for an exception to permit a home occupation (tutoring children) in an RS-3 zoned district under the provisions of Section 1680, located east of the NE corner of South 69th East Place and East 77th Street South.

Presentation:

Linda White, 7001 East 77th Street South, submitted a folder with 15 pictures of the subject property (Exhibit "I-1"). She informed that the subject property has stayed consistent for the three years that they have lived there and used the home as a single-family dwelling. She stated that there are only seven children maximum that she tutors at her home on any day. The children are grouped in twos and threes. She does not look at group tutoring as a business, but as a service, especially when there is no profit being made. His accountant was present to attest that no profit is being made. She informed that most of her students are ages 5 and under, but she does tutor three upper grade students in the evening hours. One of her prerequisites for tutoring the young child in a small group is that the parents must volunteer their services on a

rotating basis; therefore, she has no one in her employ on the premises. The tutoring sessions are 4 to 5 hours long. She does not have any type of mechanical equipment. She informed that the few schools there are for special students are filled to capacity and have long waiting lists. She does not advertise her business in any way. She informed that there are only two days out of the week that she has as many as seven children. The children come and go at various times--there have never been more than three cars in front of her residence. The arrival and departure of the children is in an orderly fashion, and traffic has never been a problem because all the children arrive and depart at staggered times. The children start to arrive around 9 a.m. one at a time. She encourages carpooling, and four of her students arrive and depart in carpools. She has allotted 45 minutes to an hour for outside recreation in her backyard. She had a tape of the children during their time outside. She does not feel that there is any noise incompatible with the neighborhood. She submitted letters from the neighbors supporting this application (Exhibit "I-2"). She does not anticipate adding any more students or classes. She submitted the names of the students in her classes (Exhibit "I-3").

Interested Parties:

Florence Bliss, 7729 South 70th East Avenue, informed that what Mrs. White is doing far outweighs what others might say she is not doing. She does not feel that this is any different than someone who cares for young children or older people in their home. She supports this application.

Janet Stover, 6903 East 78th Street, lives one block from Mrs. White's home. She informed that the neighborhood is a very nice neighborhood. When she heard that Mrs. White did tutoring and tried to find her, she could not because the house looked like every other residential house in the neighborhood. She informed that her son, who is one of the children that Mrs. White tutors, is getting good and constructive instruction. She does not see how this could be a detriment to the area.

Mrs. John T. Barry, III, 10017 East 39th Street, upholds private tutoring--this is what her child needs.

Dawn Sweitzer, 3415 East 85th Place, informed she has two children, and if these children are at home, they have friends over. At no time would she have less than 6 children in her home running in and out. She informed that most people would be at work during the hours that the tutoring service is being offered.

Protestant:

Marilyn Wilson, 7819 South 72nd East Avenue, is the Sweetbriar Director to the Southeast Tulsa Homeowner Association's Board. She is present on the behalf of the majority of the property owners residing in the area who oppose this application. She submitted several petitions opposing this application (Exhibit "I-4"). She believes that what the applicant is asking for is a preschool. They believe the application must be denied for three reasons: (1) the preschool business is a clear and self-evident violation of the Sweetbriar restrictive covenants which is a part of the Title to all property in Sweetbriar. This is a single-family residential district. She informed that in conjunction with the conversion of the garage into the preschool business, the applicant built

a tool shed in the back yard. This was apparently done to facilitate the use of the garage for the preschool business. Tool sheds are also against the restrictive covenants if they are detached from the main building. She informed they have received numerous complaints from area residents regarding the preschool business. The noise level generated by the children is a legitimate complaint, as residents desire and deserve peace and quiet. She submitted 2 letters written by area residents which protest this application (Exhibit "I-5"). Mrs. Wilson also has a complaint against the off-street parking and traffic congestion created by the business. She informed that the applicant has a double-car driveway and not a circle driveway. The business patrons park their cars in front of the applicant's house and in front of the residents houses on both sides of the street. She submitted 8 photographs depicting off-street parking and traffic congestion (Exhibit "I-6"). The pictures showed more than three cars parked in the street. She informed that people come as early as 8:50 up until as late as 9:10. In the afternoon, they leave from 2:45 until 3:00. She informed that 77th Street is a designated bus route by the Union School District -- she feels that this could be hazardous. (2) She feels that tutoring children by private instruction for additional, special, or remedial areas might not prove to be an annoyance to the area, yet, in her opinion, the described business is not tutoring children; it is a preschool for ages 3 and 4 years old. She informed that Mrs. White has an outside employee who comes in daily. She stated that exterior alterations were made to the garage by the installation of the window, and inside the garage a wall was built right in front of the garage door. They believe that the spirit and intent of the home occupation restrictions are to preserve and protect the residential district; moreover, the nature and activity of the preschool business does not meet the definition of a home occupation. (3) The potential and current adverse affect is not state agency having jurisdiction over the preschool business. There is no licensing requirement, and there is no maximum number of children the applicant can care for. There are no controls over this situation. She informed that she knows and has found out that the applicant does take money for the tutoring of the children. She informed that the applicant's business is neither a day-care home or day-care center as defined by the Department of Human Services. The business is termed a "loophole in the law" by Department of Human Services Officials due to the six hour business day. She informed that other preschools are licensed by the Health Department, and they have their buildings inspected by the Fire Department for safety. They also are required to meet other public building requirements. None of these requirements apply to the preschool business in the home environment. She informed that Saint Michael's Episcopalian Church located in the area is interested in a preschool program at their facilities. She informed that the Church has a fenced playground and has been in operation for over two years and has not yet been able to find anyone to start a preschool business there.

Applicant's Rebuttal:

Mrs. White informed she has not seen the pictures, but the cars parked in front of her house and the surrounding houses are not necessarily hers. She informed that she has a Rhema student who comes in every day to clean her house and prepare her evening meal, but she does not have an outside employee for the business. She informed that the times that her students arrive and depart are staggered--they start coming at 9:00 a.m. and the last one arrives at 9:30 a.m. There are no school buses that pass her

house at this time. The parents start picking the children up at 2:00 p.m., and the last child is usually picked up by 2:45 p.m. She informed that she could not move to another location without some sort of compensation to pay rent. Some of the parents would be financially able to pay, and some would not be. They are now checking into federal funding which might be available to them. She does not see the service in her home as an ongoing situation--it was a place to start.

Comments and Questions:

Mrs. Purser reminded that this Board has no problem with handicapped facilities at all, but they are dealing with zoning issues.

Mrs. Purser stated that she had a problem with wanting to listen to the applicant's tape of the playground noises because the loudness depends on how loud the tape recorder is turned up.

Mr. Smith informed the protestant that this Board cannot consider the restrictive covenants of any subdivision--these are private agreements only and the City or the public are not beneficiary to them.

Mr. Victor informed it is not the Board's place to determine whether or not the business is non-profit.

Mrs. Purser agreed that from the pictures it does not appear that a person could tell what was going on inside the house. This is one of the qualifications that the Board looks at in granting a home occupation, but she thinks it would be quite unusual for a homeowner to have even five cars come to their home at 9 o'clock and 3 o'clock every day.

Mrs. Purser asked the applicant is there was any reason that this could not be successfully carried on in donated space in a church, and Mrs. White stated that there is no reason that it could not be. She does not know where Saint Michaels' Church is located. She informed that most of the places she checked with have either a mother's-day-out program or they already have an existing preschool situation, so they are not interested. She informed that she has been told that if the schools allow this for three handicapped children, they will be inundated with phone calls from parents of all types of handicapped children wanting to put their child here because there is such a need.

Mr. Jackere informed that under the home occupation rules she is not allowed to conduct any of this activity outdoors. The applicant informed that she was not aware of this, but her program could be administered without taking the children outside, but it would not be as healthy for the children.

Mrs. Purser feels that the people in the neighborhood are concerned that something may be allowed in the neighborhood that may open the door to other things.

Mr. Wait made a motion to approve this for one year to give the applicant the opportunity to see if another location would be in order. At the end of the year, the case could be reconsidered. This motion died for the lack of a second.

Case No. 12879 (continued)

Mrs. Purser has a problem with a one-year approval because that leaves the people in limbo for a year. She feels that if the neighborhood bands together, a solution to this could be worked out.

The Board did not want to see the neighborhood split over this issue.

Mr. Smith informed that during the interim of a continuance, Mrs. White's operation would not be shut down.

Mrs. Purser informed she would have to vote against this application if the decision had to be made at this meeting. She feels continuing this might encourage some neighborhood cooperation.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12879 to the January 26, 1984, meeting to allow the applicant time to look for another location for her services.

Case No. 12880

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1216 - Request for a variance of the front setback requirement from 100' to 75' from the centerline of Lewis Avenue to permit an addition to an existing building in a CS zoned district under the provisions of Section 1670, located at the NE corner of South Lewis Avenue and East 59th Court South.

Presentation:

Mr. C. S. Lewis, the attorney representing some protestants across the street from the subject property, requested that this case be continued.

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 continue Case No. 12880 to the December 1, 1983, meeting.

Case No. 12881

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit church use in an RS-3 zoned district under the provisions of Section 1680, located at the NW corner of South Garnett Road and East 7th Street South.

Presentation:

Bill Weir, 11110 East 6th Street, is the minister of Education and Administration at the Garnett Road Baptist Church. He presented a brochure which gives an overview of the proposed building that the Church would like to build (Exhibit "J-1"). He informed that Lots 1, 2 and 3 are the lots which they would like the exception granted on.

Case No. 12881 (continued)

This piece of property adjoins their existing facilities. Mr. Weir explained the plans. They do not plan to hold school on the property during the week at this time. He submitted a topographic survey (Exhibit "J-2").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1205) to permit Church use in an RS-3 zoned district under the provisions of Section 1680, per plot plan, on the following described property:

Lots 1, 2 and 3, Block 1, East Eleventh Park Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12882

Action Requested:

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

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of lot frontage from 150 to 140 feet and a variance of the setback requirement from the centerline of South Lewis Avenue from 100 to 68.5 feet to permit an existing building in a CS zoned district under the provisions of Section 1670, located at the SE corner of 5th Place and Lewis Avenue.

Presentation:

Jolly Izoe, 2611 East 49th Street North, informed that the property is owned by a gasoline company. He has entered into a tentative lease with the owner subject to obtaining the special exception and variance. It has been two years since the station has been in operation, and it is very impractical as a gas station because the building is very small. He would like to have approximately 12 cars on the back of the lot. The front would be used for the driveway, and the two gas pump islands would be removed. The property has very good access and should not cause any traffic problems. He described the surrounding property. They will not be cleaning any cars or working on any cars on the lot--this will be done at a different location. There are 4 or 5 other used car lots within about 6 blocks of the subject property. He does not think that this location could be used for any other practical purpose. He submitted a plat (Exhibit "K-1") which shows the dimensions of the land and building. The existing building will stay as it is. The lot is entirely paved.

Protestant:

Stan Keithley, 1336 East 20th Street, owns the property directly behind the subject property. He informed that the oil company that owns the property has trouble following through with what they say. He has had a lot of trouble with the owners of the property. He wanted to know if the applicant is currently in the used car business, and he wanted to know what would happen to the gas tanks on the property--if they would be filled or remain empty. He was concerned that they might be a hazard. He informed that the building seems to be right on the property line. He would like to know if there will be any repair activity at all on the lot. He also wanted to know the dimensions of the lot. He informed that there is a very critical parking problem in the area. There are approximately 8 to 10 cars parked on the service station lot every day. He is not against a used car lot on the property if it is properly operated. He informed that it has been less than a year since the property was used for a service station. He informed that there is a shed on the south corner of the property. He has not checked with the Fire Marshal on the requirements for unused gas tanks. He informed that empty gas tanks are more dangerous than filled tanks. He informed that the restrooms have not been operable for several years.

Applicant's Rebuttal:

Mr. Izoe informed that he could not operate a used car lot without the pumps being taken out. They will be parking cars in the front of the building except at the entrance. He has been in the used car business for about 15 years.

Comments:

Mrs. Purser asked Ms. Hubbard if there would be any City agency that would check this if the Board approved the application. Ms. Hubbard informed that if any agency would, it would be the Fire Marshal's Office and it would be done through the Building Code Review.

Mr. Gardner informed that without the removal of the pumps, he would not have the circulation to get the people on and off the lot. A legitimate condition of approval would be to require that the pumps be taken out and that the gas tanks meet the Fire Marshal's approval.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1217) to permit auto sales in a CS zoned District under the provisions of Section 1680, a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of lot frontage from 150 to 140 feet and a variance of the setback requirement from the centerline of South Lewis Avenue from 100 to 68.5 feet to permit an existing building to be used as car sales in a CS zoned district under the provisions of Section 1670, with the conditions that there be no more than 12 cars on the property at a time, that the gas pumps be removed, and that the empty tanks be subject to the approval of the Office of the Fire Marshal, on the following described property:

Lots 43 and 44, Block 7, Amended College View Addition to the City of Tulsa, Tulsa County, Oklahoma.

11.17.83:400(17)

Case No. 12883

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 120 - Request for an exception to permit the sale of Christmas trees in a CS zoned district under the provisions of Section 1680, located north of the NW corner of 21st Street and Sheridan Road.

Presentation:

Jack Bridges was represented by Carl Bridges, 310 South Sooner Road, Midwest City. There are outdoor buildings on this lot, and Christmas trees have been sold on the lot for many years. They will start selling the first of December and will finish the twenty-fourth of December.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 120) to permit the sale of Christmas trees in a CS zoned district under the provisions of Section 1680, for the month of December, on the following described property:

Part of Lot 2, Block 2, Lynn Addition (situated in Section 10, Township 19 North, Range 13 East) a subdivision in Tulsa County, Oklahoma, according to the Official Recorded Plat thereof, to wit: Beginning 574.24 feet South of the Northeast corner of Lot 2; thence Westerly 200 feet; thence Northerly 150 feet; thence Easterly 200 feet; thence South 150 feet to the Point of Beginning.

Case No. 12885

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1217 - Request for a variance to permit building an auto parts store in an RM-2 zoned district under the provisions of Section 1670, located south of the SW corner of 11th street and Xanthus Place.

Presentation:

Anthony Aaronson, 5324 South Peoria Avenue, was represented by Ken Gibson, a commercial real estate broker. The subject property has been a service station location for many years. He submitted a picture of the property (Exhibit "L-1") and a proposed plat (Exhibit "L-2"). He informed that Mr. Aaronson is the owner of F & S Auto Parts. Mr. Gibson described the surrounding area. He informed that the building on the subject property will be torn down and a new building built. He presented a blueprint of the proposed building showing elevations, the floor plan, and the plat. He informed that the service station location is zoned CH for the three lots that front onto East 11th Street (Lots 3, 4, and 5). The subject property is right behind the three CH lots. Mr. Aaronson would like to build a 60' x 125' building on the CH land. He would like to have the opportunity of enlarging the building, possibly right a way. This would

mean that part of the expanded building would be built on the 25 feet of the subject property--the lot is 40 feet wide. He informed that the subject property had been used as a part of the service station location. It is paved and has had the activity for the service station for many years. There is a building on the property that was built in 1948. There is a curb-cut on the RM-2 lot at the back of the subject property that has been used to circulate the traffic for the service station. Mr. Aaronson plans on removing the pumps and the gasoline tanks from the service station location. The applicant feels his new building will improve the neighborhood and will generate less noise and traffic than the service station. There will be a 15-foot abutment between the building he is building and the RM-2 lot behind it. The lot to the west of the subject property is zoned OL. He informed the curb-cut onto Xanthus Avenue will not be used--all the access will be to the front of the building. He did not know if permission was ever given by any Board to use the subject property as a parking lot. The business would close at 5:30 p.m., and there would be no traffic on the subject property at night.

Protestants: None.

Comments and Questions:

Ms. Purser asked the applicant if he had a hardship, and Mr. Gibson informed that Mr. Aaronson is afraid that the 60' x 125' building will not be big enough for the business. Ms. Purser informed that the Board cannot consider an economic hardship. The Board needs a hardship that is peculiar to this piece of land.

Mr. Smith asked Mr. Gardner what the outlook is for the area and that he is concerned that if this goes in, it will put a lot of pressure on everything to the south of it. Mr. Gardner does not think the applicant knows how to explain whether the lot is unique or not, but what makes the lot unique is that it is paved and has been paved and has provided access into the service station. If this is correct, then the applicant has something to talk about in terms of justification for a variance. This does not make what he is requesting proper necessarily, but at the least the Board has some authority to consider the case. The Staff raised the question of whether there will be access on the subject property. Would the applicant be eliminating the traffic now using the lot--the car lights and the noise? Would they be pushing the current traffic closer to the street by having just a building close to the residences? This may be better than having the traffic at the back of the lot. There is a house to the east that will be affected, but they may be already affected.

Ms. Purser asked Mr. Gardner if he was suggesting that the lot would have continuing use as a commercial lot even though it has never come before the Board. Mr. Gardner informed the Board needs to check into what the applicant said, but it seemed to him that he said that the lot has been paved and has been a part of the service station for many years. He informed this could have been approved by the Board years ago. If this is the case, then a person would assume that this is a part of the commercial zoning if they were to just drive past it. He informed that the depth of the CH zoning in the area goes to this depth one block to the east.

Case No. 12885 (continued)

Ms. Purser would like this case to be continued for the applicant to find out the history of the lot.

There was discussion about the possibility of moving the building forward onto the CH lot and having just parking on the RM-2 lot. The applicant informed that the customers do not stay long--he would like for the customers to pull up, get out, get what they need, and then leave. His employees would be parking in the front too. They thought that if the building was set back, it would only leave 15 feet which is hardly room for much traffic or congestion.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12885 to the December 1, 1983, meeting to allow the applicant time to get more information about the history of the lot so he can tell the Board if the lot has ever been given permission by any agency of the City to be used for any kind of commercial use.

Case No. 12886

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1202 - Request for an exception to permit Christmas tree sales for the 1983 season in an IL zoned district under the provisions of Section 1680, located south of the SE corner of East 41st St., South and Memorial Drive.

Presentation:

Stephen Booth, 16 East 16th Street, was present representing Pierce Tree Farms of Neilsfield, Wisconsin.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - under the provisions of Use Unit 1202) to permit Christmas Tree sales for the 1983 season in an IL zoned district under the provisions of Section 1680, for 30 days--November 25th through December 25th, on the following described property:

A part of the NW/4 of the NW/4, Section 25, Township 19 North, Range 13 East, I.B. & M., Tulsa County, Oklahoma, according to the U. S. Government Survey thereof and were particularly described as follows: Beginning at a point on the Southerly Right-of-Way line of the M.K. & T. Railway, said point being 50.00 feet Southwesterly of, as measured perpendicular to, the center of said Right-of-Way and 33.00 feet East of, as measured perpendicular to, the West line of Said Section 25; thence South 71°-32'-12" East along Said Right-of-Way line 100 feet to a point; thence due South 68 feet; thence due West to a point, 33 feet East of the West line, as measured perpendicular, of

Case No. 12886 (continued)

Section 25; thence due North a distance of 83 feet to the point of beginning.

Case No. 12887

Action Requested:

Variance - Section 1340 (d) - Design Standards For Off-Street Parking Areas - Use Unit 1210 - Request for a variance of the required all-weather parking surface to permit a gravel parking lot in an RS-3 zoned district under the provisions of Section 1670, located north of the NW corner of East 27th Court South and South Memorial Drive.

Presentation:

Gary Spencer, 10227 East 24th, informed that he has an insurance office on the subject property. He submitted 4 photographs of the location (Exhibit "M-1") and described the property. They are on a dead-end street. He submitted statements from two of the adjoining property owners stating that they have not had any problem with the dust (Exhibit "M-2"). He submitted a drawing of the property (Exhibit "M-3") showing the location of the parking and drive that is graveled. He also submitted a plat of the area (Exhibit "M-4") which indicates the location of his property and those surrounding him. The front of the office is paved. There is no other property in the area that has a graveled surface.

Protestants:

Jane Dees, 7921 East 27th Court, is not concerned with a dust problem. She is concerned because his area was designed as a residential area. They live on a cul-de-sac and she is concerned that the area might lose the identity of a residential neighborhood. She informed that there are already signs on the property that she does not like. She does not want them to have anything that they do not already have, because she thinks this will cause the area to further lose its identity as a residential neighborhood.

Ms. Purser informed Mrs. Dees that the buildings in the area do not have to remain residential in appearance. She informed that a parking lot in the back yard is permitted in this zoning, but the gravel is not.

Bill Dees, 7921 East 27th Court, owns the property that backs up to the subject property. They do not want parking in the back, but if there is going to be parking, he would like for the lot to be paved to avoid a dust problem.

Comments:

Mr. Jackere informed that a requirement should be varied only in an unusual situation on an unusual lot for an unusual reason.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to DENY a Variance (Section 1340 (e) - Design Standards for Off-Street Parking Areas - under the provisions of Use Unit 1210) of the required all-weather parking surface to permit a gravel parking lot in an RS-3 zoned district under the provisions of Section 1670, on the following described property:

Case No. 12887 (continued)

Lot 1, Block 28, Boman Acres Fourth Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12888

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1211 - Request for a variance of the setback requirement from abutting "R" Districts from 10 to 5 feet to permit construction in a CS zoned district under the provisions of Section 1670, located south of the SE corner of 48th Street and Peoria Avenue.

Presentation:

Milton Berry was represented by Steve Turner of Turner/Foxx Architects, Bank of Oklahoma Tower. He submitted a plot plan (Exhibit "N-1") and 9 pictures of the adjoining property (Exhibit "N-2"). He informed that he is trying to save a tree on the subject property. The tree is possibly the largest Willow Oak in Tulsa. He described the surrounding properties.

Protestants: None.

Comments:

Ms. Purser informed that the Board has in the past considered a large tree as a legitimate hardship because it does make the lot different from surrounding lots.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-1 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; none, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - under the provisions of Use Unit 1211) of the setback requirement from abutting "R" Districts from 10 to 5 feet to permit construction in a CS zoned district under the provisions of Section 1670, on the following described property:

The North 88 feet of the West 180 feet of Lot 1, Southern Center Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12889

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1217 - Request for a variance of the setback requirements from abutting "R" Districts from 10 to 6 feet in a CS zoned district under the provisions of Section 1670.

Variance - Section 250 - Screening Wall or Fence - Request for a variance of the screening requirement on the north, south, and west property lines in a CS zoned district under the provisions of Section 1670, located north of the NW corner of East 15th Street and South Memorial Drive.

Presentation:

Bill Robinson, 10759 East Admiral Place, represented the owners of Scott Trailers which is located on the subject property. He submitted

Case No. 12889 (continued)

a plot plan (Exhibit "0-1") and informed that they are proposing to add a 30' x 30' area on the building. They want to line up with the existing north building line. The building has been on the property for approximately 15 years, and at the time it was built there was not a screening requirement. He submitted 5 pictures of views from the building (Exhibit "0-2") and described them.

Protestants: None.

Comments:

Mr. Gardner informed that there were no screening requirements prior to 1970.

Ms. Purser informed that the 6-foot screening requirement would not screen the property anyway--people would still know what is there.

Mr. Victor was concerned that the motion be worded in such a way to give permission only for what was asked for today--not blanket approval to add anything they want without screening.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - under the provisions of Use Unit 1217) of the setback requirement from abutting "R" Districts from 10 to 6 feet in a CS zoned district under the provisions of Section 1670, and a Variance (Section 250 - Screening Wall or Fence) of the screening requirement on the north, south, and west property lines in a CS zoned district under the provisions of Section 1670, for the use proposed, per plot plan, on the following described property:

The S/2 of the N/2 of the SE/4 of the SE/4 of the NE/4, Less the right-of-way on the East and West 269 feet, Section 11, Township 19 North, Range 13 East, Tulsa, Tulsa County, Oklahoma.

Case No. 12890

Action Requested:

Variance - Section 240.2 (e) - Yards - Permitted Yard Obstructions - Use Unit 1206 - Request for a variance of the maximum permitted floor area for a detached accessory building from 750 square feet to 864 square feet in an RS-3 zoned district under the provisions of Section 1670, located at the NW corner of West 38th Street and South 29th West Avenue.

Presentation:

Sharon Rethford was represented by Gerald Rethford, 3752 South 29th West Avenue. He informed that there used to be a garage on the back part of the lot, but it is no longer there. They would like to construct a new one. About 50% of the houses in the area have detached garages. He submitted plans of the proposed garage (Exhibit "P-1").

Protestants: None.

Case No. 12890 (continued)

Comments:

Mr. Gardner informed the Staff's only concern would be that it not be used for any kind of commercial activity now or in the future.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye" no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 240.2 (3) - Yards - Permitted Yard Obstructions - under the provisions of Use Unit 1206) of the maximum permitted floor area for a detached accessory building from 750 square feet to 864 square feet in an RS-3 zoned district under the provisions of Section 1670, per plot plan, on the following described property:

Lot 3, Block 24, Original Townsite of Red Fork Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12891

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record- Use Units 1206 and 1209 - Request for a variance to permit two dwelling units per lot of record (one existing residence plus one proposed mobile home) in an RS-3 zoned district under the provisions of Section 1670.

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for an exception to permit a mobile home in an RS-3 zoned district under the provisions of Section 1680, located East of the SE corner of Independence Street and 109th East Avenue.

Presentation:

Novale Thompson, 10829 East 15th Place, submitted some site plans (Exhibit "Q-1") and 2 photographs (Exhibit "Q-2"). He informed that for over 30 years there were two dwellings on the subject property. On September 6, 1983, his dwelling on the property burned down. The insurance company is not going to pay them enough money to rebuild the house like it was. They would like to put a manufactured home on the lot--it is a double-wide mobile home. It will be put on a permanent foundation. It is 28' by 60' and will have a 20' by 20' attached garage with a two-car driveway. This gives a total of a 2,080 square-foot dwelling. The house will have native stone halfway up it all the way around. The burned house will be completely torn down, and the manufactured home will be placed in approximately the same location. The house that burned down only had 1,400 square feet. He submitted a plumbing bill that shows that both houses have been completely regassed and rewatered to meet the City Code (Exhibit "Q-3"). He submitted a City Inspection Permit to show that they have inspected it and have approved it (Exhibit "Q-4"). They rent out the other dwelling on the lot. He described the subject property and informed that there is a 14-foot wide mobile home not far from his property (about 500 yards away from his house). He submitted a petition with the names of 4 people who do not object to this application (Exhibit "Q-7").

Protestants:

Richard Cleverdon, 202 West 8th Street, represented 9 protestants from the area. He submitted a set of 16 photographs (Exhibit "Q-5") showing

the character of the neighborhood. He also submitted a sketch of the area (Exhibit "Q-6"). He informed that the neighborhood is a very closely enclosed residential area and most of the dwellings are single owner occupied. He informed that the mobile home already in the area is not occupied and has not been occupied for many years. The people in the area feel that allowing a mobile home in the area will have an adverse affect on the area. He presented three objections of the surrounding homeowners. (1) The protestants believe that if a mobile home is erected in this area, it will impact unfavorably the property values of the single detached residences in the area. They are afraid this could set a precedent for the area. (2) He informed that there is inadequate sewage disposal on the subject property. He was told that the septic tank serving the two houses is uncovered and at times the excess sewage is pumped into the bar ditch in the front of the house. This situation is unacceptable to the neighborhood. It is the position of the protestants that under no condition should two houses be maintained upon the subject property unless there is adequate sanitary sewage disposal. He informed that the land is rather rocky and does not have good percolation characteristics. (3) The neighborhood is very concerned with the lack of care of the premises that the Thompsons have maintained over the years they have been there. The neighbors want some assurance that the property will be maintained within the community standards.

Applicant's Rebuttal:

Mr. Thompson informed they have had the plumbing problem taken care of. Both houses are on separate septic tanks. A percolation test was done in 1979 and there were no problems with it. He informed that are no sewage problems. They have maintained the property to the best of their ability.

Wendall Turner from Today's Homes, Inc., 8104 East Admiral Place, informed that the mobile home will be built by U. S. Homes which is one of the largest real estate companies in the country. They build one of the finest modular homes available. He feels that the mobile home will look better than the other homes in the area when it is finished. He described how the home will be set up.

Comments and Questions:

Ms. Purser asked Mr. Gardner if there is a limit of how long the Board can grant a special exception in an RS-3 District. She wondered if this should be continued for two weeks so the applicant could ask for a variance for a mobile home.

Mr. Jackere feels there could be trouble if this was approved for more than one year under the notice that was given.

The applicant informed he would like to take his chances with a one year approval.

Ms. Purser informed that in support of the variance, there is a flag lot already on the property, and if the Thompsons went through the Planning Commission, they might be able to get another flag lot on the middle lot.

Case No. 12891 (continued)

Mr. Gardner informed that as far as the zoning is concerned, the property is sufficiently wide enough and large enough to have two lots. He informed that if approval is granted, it should be subject to the Health Department because even though there are two septic systems, the Health Department may not have approved both. The Health Department may not approve this for two lots if there is a percolation problem. He informed if they approve this, it should also be subject to what he has presented to the Board.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Units 1206 and 1209) to permit two dwellings units per lot of record (one existing residence plus one proposed mobile home) in an RS-3 zoned district under the provisions of Section 1670, and a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) 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, subject to Health Department approval on the septic system, and subject to the manufactured home being 28' by 60', that it be placed on a permanent foundation, that it have a 20' by 20' attached garage and a two-car hard surface driveway, and that it closely resemble the 8" by 11" colored picture submitted, on the following described property:

The South 150 feet of Lot 10, Block 2, Greenfield Acres Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12892

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-2 zoned district under the provisions of Section 1680.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to permit two dwelling units per lot of record (one existing residence plus one proposed mobile home) in an RS-2 zoned district under the provisions of Section 1670.

Variance - Section 440.6 (a) - Special Exception Uses In Residential Districts, Requirements - Request for a variance of the one year time limitation for mobile home occupancy in an RS-2 zoned district under the provisions of Section 1670, located south of the SW corner of South 135th East Avenue and East 13th Street.

Presentation:

Roberta Horton, 10759 East Admiral Place, informed there is an existing house on the 1-1/4 acres and they would like to put their mobile home on one-half of the lot and rent out the existing house. She submitted a diagram of their plans (Exhibit "R-1"). The mobile home is 14' x 80'. She submitted a picture of the mobile home (Exhibit "R-2"). The mobile home will have an enclosed porch in the back and will have a carport.

Case No. 12892 (continued)

It has a gable roof and is made of wood--it has no tin outside. The mobile home will set down low. She informed that there is a mobile home right next door to the subject property. She submitted 14 pictures of the surrounding area (Exhibit "R-3"). She does not feel that her mobile home will be detrimental to the area.

Protestants:

James Thompson, 1220 South 135th East Avenue, informed there is a sewage and septic tank problem in the area. He is doubtful that the subject property would percolate. He informed that the mobile home which is next to the subject property is on about 2-1/2 or 3 acres of land. He objects to having mobile homes in the area because he feels that they detract from the property values in the area. He feels that mobile homes should be in a mobile home park. He did not receive notice when the other mobile home was before the Board.

Applicants' Rebuttal:

She informed that they had a percolation test done on the property and are going to have another one. They plan to put in a separate septic system for the mobile home.

Comments:

Mr. Gardner informed that a four-year approval is just about up on the mobile home on the adjoining property.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-1-0 (Chappelle, Smith, Victor, Wait, "aye"; Purser, "nay"; no "abstentions"; none, "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-2 zoning district under the provisions of Section 1680, a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to permit two dwelling units per lot of record (one existing residence plus one proposed mobile home) in an RS-2 zoned district under the provisions of Section 1670, and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements) of the one year time limitation for mobile home occupancy in an RS-2 zoned district under the provisions of Section 1670, per Health Department approval, on the following described property:

Lot 2, Block 7, Romoland Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12894

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 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 land area per dwelling unit from 8,400 square feet to 7,612.5 square feet, a variance of livability

Case No. 12894 (continued)

space per dwelling unit from 4,000 square feet to 3,652.4 square feet, and a variance of the rear yard requirement from 20 to 5 feet to permit a garage apartment in an RS-3 zoned district under the provisions of Section 1670, located at the SE corner of East 17th Place South and South Norfolk Avenue.

Presentation:

B. Kenneth Cox, Jr., 4100 Bank of Oklahoma Tower, was represented by John Moody. Mr. Moody was also representing Mr. Ellis Widner, 1102 East 17th Place. The house and the garage apartment have existed on the property for over 40 years. The apartment has been in existence all this time, but no one has occupied it since Mr. Widner has owned the house. They would like to remodel the existing garage apartment so that Mr. Widner's mother may live in it. The house is one of the smaller houses in the Maple Ridge area. The existing house is abutted by very large trees which make it impossible to expand his house. He submitted 30 letters from 30 homeowners in the area asking that the Board approve this application and consenting to the application (Exhibit "S-1"). One of the letters indicates that there are several garage apartments in the area that are used for rental purposes. They have granted a restrictive covenant agreement with the neighborhood which would limit the use of the existing garage apartment for the resident's mother. It shall not be used for rental purposes. No future owners of the property will be permitted to use this for rental purposes. He submitted a copy of this agreement (Exhibit "S-2"). They feel that this is not harmful to the neighborhood and is compatible with the existing uses in the area. They are going to upgrade and improve the outside of the apartment, but it will not be expanded or enlarged.

Interested Parties:

Mr. Grant Hall, 1202 East 18th Street, is the president elect of the Maple Ridge Homeowners Association. He informed that they have no objections to this as long as it is approved with the restrictive covenants.

Mr. Stephen Burg represented Judy Robson, 1118 East 17th Place. He informed he has no objection to the granting of the variance, subject to the terms of the restrictive covenant.

Protestants:

Roy Comer, 1730 South Norfolk Avenue, lives just across the street from the subject property. He informed that the applicant started remodeling without a permit and got caught. He informed that the house on the subject property has a small single car driveway and there are already two cars. If they have another car, it will have to be parked on the street which is narrow. He informed that the people who lived in the house before the applicant had plans drawn up to add onto the house. He does not think that permission should be given just because they have already started the remodeling. He informed that there is not a garage on the property now.

Applicant's Rebuttal:

Mr. Moody informed that the applicant does not intend to construct or add another garage. They were remodeling and did not know that they had to have a building permit. He also informed that the protestant, Mr. Comer, lives in a duplex across the street. The applicant's mother does not drive, so they will not be adding another car.

Case No. 12894 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-2 (Chappelle, Smith, Wait, "aye"; no "nays"; Purser, Victor, "abstaining"; none "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 RS-3 zoned district under the provisions of Section 1670, and a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts) of land area per dwelling unit from 8,400 sq. ft. to 7,612.5 sq. ft., a variance of livability space per dwelling unit from 4,000 sq. ft. to 3,652.4 sq. ft., and a variance of the rear yard requirement from 20 to 5 feet to permit a garage apartment in an RS-3 zoned district under the provisions of Section 1670, subject to the restrictive covenant agreement that is a part of this record, on the following described property:

The W/2 of Lot 7 and all of Lot 8, Block 1, Maple Ridge Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 12896

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 SE corner of 37th West Avenue and Skelly Drive.

Presentation:

Ina Dell Hill, 1743 East 59th Place, informed that the property faces Skelly Bypass. They own the property all the way up to the service road. The applicant plans to pave the parking lot and put in a concrete block building. There are plans to fence all around the car lot. She described the surrounding property.

Protestants:

Garfield Bell, 5140 South 37th West Avenue, owns the property directly across the street from the subject property. Their land has increased in value over the last couple of years, and they do not want anything to go into the area that will depreciate the values of their land. He informed the subject property is vacant now. There are no other car lots in the area.

Dora K. McDaniel, 5150 South 36th West Avenue, lives just east of the subject property. She has lived on her property for 44 years and the neighborhood has improved steadily. Most of the residences have been improved by their owners. She is concerned that there might be a lot of noise on the subject property when the applicant is repairing cars to resale.

George Williams, 3723 West 52nd Street, is concerned about having car sales at this point. He feels this would cause parking and traffic problems in the area. He would like to have Skelly Drive left open.

Applicant's Rebuttal:

Ms. Hill informed that Ms. McDaniel's property does not abut the subject property.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "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:

The South 42.34' of the North 84.67' of the West 166' of Lot 7, in Block 4 of Richmond Acres Addition, a subdivision in Tulsa County, Oklahoma, according to the Recorded Plat thereof, LESS and EXCEPT the North 7.67' of the West 10' of the Lot previously deeded to the State of Oklahoma and the North 42.33' of the West 166' of Lot 7, in Block 4 of Richmond Acres Addition, a Subdivision in Tulsa County, Oklahoma, according to the Recorded Plat thereof, LESS and EXCEPT the West 10' of said Lot previously deeded to the State of Oklahoma, AND the South 42.33' of the West 166' of Lot 7, in Block 4 of Richmond Acres Addition, a Subdivision, in Tulsa County, Oklahoma, according to the Recorded Plat thereof.

There being no further business, the Meeting was adjourned at 5:47 p.m.

Date Approved _____

[Signature] 1/12/84

[Signature]
Chairman