

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 403
Thursday, December 29, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Purser Smith Victor	Chappelle Wait	Compton Jones Wiles	Hubbard, Protec- tive Inspections Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, December 27, 1983, at 2:25 p.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 1:20 p.m.

MINUTES:

There were no minutes ready for approval.

UNFINISHED BUSINESS:

Case No. 12906

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the setback requirement from the centerline of South 106th East Avenue from 48 to 34 feet to permit erecting a residence in an RS-3 zoned district under the provisions of Section 1670, located at the NW corner of South 106th East Avenue and East 38th Street South.

Presentation:

The applicant, Gerald Snow, 800 North Lynn Lane, was not present.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to continue Case No. 12906 to the January 26, 1984, meeting.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12922

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206- Request for a variance of lot frontage from 30' to 7.5' in order to permit a lot split under the provisions of Section 1670; and a

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the

Case No. 12922 (continued)

lot width from 60' to 7.5', side yard requirement from 5' to 0' and 4', and the rear yard requirement from 20' to 5.3' to permit a lot-split in an RS-3 zoning district under the provisions of Section 1670, located west of the SW corner of Harvard Avenue and 41st Street South.

Presentation:

Scott Gardner, 1237 South Indianapolis, informed there are several duplexes in the area. The lot-split was approved by the TMAPC on December 21, 1983. This application is to allow Mr. Gardner to sell the duplexes separately. He submitted a plat of survey (Exhibit "A-1").

Protestants: None.

Comments:

There was discussion on what the lot width would actually be.

Mr. Jones informed this could be approved per plot plan.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to approve a Variance (Section 207 - Street Frontage Required - under the provisions of Use Unit 1206) of lot frontage from 30' to 7.5' in order to permit a lot-split under the provisions of Section 1670, and 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 lot width from 60' to 7.5', side yard requirement from 5' to 0' and 4', and rear yard requirement from 20' to 5.3' to permit a lot-split (L-16037) in an RS-3 zoned district under the provisions of Section 1670, per plat of survey, on the following described property:

Lot 4, Block 1, Sunny Brook Acres Second Addition, an Addition to the City of Tulsa, Oklahoma.

Case No. 12933

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1211 - Request for a variance of the frontage requirement from 150' to three lots having frontages of 0', 146', and 79' respectively, to permit a lot split in an IL zoned district under the provisions of Section 1670, located at the NW corner of East 58th Street and South Mingo Road.

Presentation:

The applicant, Roy Hinkle, 1515 East 71st Street, Suite 301, was not present.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions";

Case No. 12933 (continued)

Chappelle, Wait, "absent") to continue Case No. 12933 to the January 12, 1984, meeting.

Case No. 12936

Action Requested:

Variance - Section 430.1 Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1207 - Request for a Variance of the front yard from 35' to 0', the rear yard from 20' to 0', the lot area from 6,000 square feet to 3,700 square feet and 4,350 square feet, the land area from 7,500 square feet to 3,750 square feet and 5,600 square feet; and a

Variance - Section 207 - Street Frontage Required - Use Unit 1207 - Request for a variance of the frontage requirement from 30' to 0' to permit a lot split in an RM-2 zoned district under the provisions of Section 1680, located south of the SW corner of 13th Street and Troost Avenue.

Presentation:

Ron B. Barber, 616 South Main Street, Suite 304, represented the owners of the subject property. They are seeking lot split approval so they can convey each lot separately. The structure closest to Troost is existing at this time, and the structure farthest from Troost is not. The existing structure was built on a foundation. They would like to develop the back side of the lot. The RM-2 zoning would accommodate five units on the property. They wanted to develop a duplex, 2 units for compatibility with the neighborhood. There are apartments to the north of the subject property and across the alleyway. He submitted some handouts (Exhibit "B-1") which indicate some of the owners in the area. They would like to use the dedicated alleyway for access to the rear unit. They feel the duplex will create a buffer between the single-family residences and the apartments. He informed that the alley is paved and is maintained by the City. They need the variances because they are treating the lots as single-family. He explained why they needed a variance for the rear yard lot line.

Protestants: None.

Comments:

There was question as to what the applicant actually needed.

Ms. Hubbard informed the alley can count as frontage since it is dedicated.

Mr. Jackere wanted to be sure that the substance of the notice was correct.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1207) of the front yard from 35' to 0',

Case No. 12936 (continued)

the rear yard from 20' to 0', the lot area from 6,000 sq. ft. to 3,700 sq. ft. and 4,350 sq. ft., the land area from 7,500 sq. ft. to 3,750 sq. ft. and 5,600 sq. ft., and a Variance (Section 207 - Street Frontage Required - under the provisions of Use Unit 1207) of the frontage requirement from 30' to 0' to permit a lot-split (L-16045) in an RM-2 zoned district under the provisions of Section 1680, per duplex plot plan, on the following described property:

Lot 3, Block 2, Lake View Addition to the City of Tulsa,
Tulsa County, State of Oklahoma.

Case No. 12937

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 75' to 55', the lot area from 9,000 sq. ft. to 7,469 sq. ft., and the land area from 10,875 sq. ft. to 8,844 sq. ft. in order to permit a lot-split in an RS-2 zoned District under the provisions of Section 1670, located north and east of East Erie Avenue and 7th Street.

Presentation:

Frances L. Mabry, 1709 North Kingston Place, was represented by Denise Becker, 5315 East 7th Street. She submitted a plot plan and informed that Mrs. Mabry, her aunt, owns the house on the subject property. She has agreed to give Mrs. Becker her equity so that they can own the house. Mrs. Mabry would like to build a little Victorian house and a detached garage on the other part of the property which is in keeping with the neighborhood. She submitted the plans for these buildings (Exhibit "C-1"). She informed that she was not involved in the case where the same request was made 11 months ago, so she did not know the differences in the two cases. She informed that the hardship in this application is that they need to own a home. If they do not get the lot-split, they will have to move to an apartment. She informed that there are 11 lots in the area that have 50-foot frontages. They would have a 55-foot frontage. This lot-split was approved by the Planning Commission a year ago.

Protestants: None.

Comments:

Ms. Purser informed the Board can consider only hardships that have to do with the specific lot.

Mr. Jones informed this was approved by the Planning Commission a year ago, so the Planning Commission approval is still good.

Ms. Purser informed her position would not be changed from the time that the Board turned this down last January.

Mr. Smith informed that directly across the street to the south are some smaller houses. He informed he viewed the site and the existing house is on a very large lot, and it is quite a distance from the fence on the west line to the next house.

Case No. 12937 (continued)

There was discussion about the size of other lots in the area and other things that are located in the area.

Ms. Purser asked under what conditions something becomes a minor variance. The Staff informed that it is minor if it is 20% or less of the required setback. The Staff also informed that anytime there is an application dealing with a lot split, the application is taken as a minor variance.

There was discussion about the rules for a minor variance.

Mr. Compton informed that according to the Statement of Policy of the Minor Variances and Special Exceptions, a variance of required lot area or lot width of the lot from a lot split having received the approval of TMAPC is a minor variance.

Ms. Purser informed that at the previous meeting, there was a unanimous vote to deny the application.

Mr. Smith informed he would not vote against this application today after viewing the site.

There was a question as to whether this case is any different from the case heard a year ago.

Mr. Victor felt the Board needed to look at the first application and make a comparison.

Mr. Jackere informed he thinks that the applications are the same.

Ms. Purser informed they have a couple of new pieces of information. She informed that in the previous case there were no plans for what was going to be developed on the lot. In this case, there are plans showing a house that will be very compatible with the existing house.

Mr. Jackere suggested that the other Board members go out and view the site also. He informed that a variance of the lot area is not minor and will require notice of everyone within 300 feet of the subject property. This will have to be advertised.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to continue Case No. 12937 to the January 26, 1984, meeting to allow time for it to be properly advertised and to allow the Board members time to view the site.

NEW APPLICATIONS:

Case No. 12940

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1217 - Request for a variance of the setback requirement from 60' to 27' for a gasoline canopy in an OL zoning district under the provisions of Section 1670, located at the SW corner of 4th Place and Yale Avenue.

Presentation:

Tom Waddle, P. O. Box 51307, was represented by W. L. Smith of Arkansas Valley Petroleum. He informed that he is the owner of the subject property and Mr. Waddle represents Git-N-Go. His company jointly operates this location with Git-N-Go. He informed this is their second application at this location for the installation of a canopy covering their gasoline islands. They were previously denied the installation of a canopy at this location approximately one year ago. He was not at that meeting, but he wanted to cover some of the objections that the Board had at that time. He informed they do not require a canopy to sell petroleum products at the location. He informed that at the previous meeting Ms. Purser was concerned that it would be more like a building than a canopy. He submitted 11 pictures (Exhibit "D-1"). This location is a converted service station, and they are working with the existing gasoline islands that were there when they bought the location. The canopy they would like to put on the property is 24' x 24'. One of the pictures he submitted was of a canopy like the proposed canopy which is located at a different location. They put canopies over the gasoline islands to protect the customers against the weather and to provide adequate lighting. Some of the pictures he submitted were of the existing property. He described how the OL zoning came about. He informed that this property had been commercially zoned for over 40 years as a commercial service station. Now it is a Git-N-Go convenience store. They agreed through the City Commission to let the property be zoned OL at the request of the Planning Commission and the City Commission in order to prohibit any other commercial zoning on the corners there. He informed the City of Tulsa arbitrarily in a master zoning plan, several years ago, just deleted that property--took the commercial zoning away from it. They worked this out with the City of Tulsa and the City Commission to let them zone the property OL and at the same time the recommendation was made to give them the building permits for their convenience store. He informed they would agree to a removal clause. He informed that it is the canopy that is under consideration, not the convenience store. He informed they worked very closely with the church and the neighborhood when they made their application to convert the location from a service station to a convenience store. He submitted a site plan (Exhibit "D-2") and a set of plans for the canopy (Exhibit "D-3").

Protestants: None.

Comments:

Mr. Jackere asked if the requested canopy is any different than the one that was presented at the previous meeting, and the applicant informed he did not know what was presented to the Board at the last

meeting because he was not present.

Ms. Purser informed that the minutes from the last hearing of this application do not reflect any kind of questioning along the line of the canopy that resembles a building.

Mr. Jackere informed he has two concerns: (1) The application is for a canopy for a gasoline station which is a nonconforming use in an office district--it is not a permitted use by right in an office district. A canopy to serve the gas station is going to be that much more intrusive into what otherwise is not a commercial district. (2) The Board heard this case once before. They have not heard anything to show that the facts surrounding the application have changed, nor have the circumstances in the neighborhood changed to warrant a same application.

Ms. Purser informed she thinks the discussion about the type of canopy took place in another case for another Git-N-Go property.

Mr. Jackere informed the zoning was not arbitrary. He informed that if zoned, it would have been spot zoning in the middle of a residential area.

Ms. Purser informed she has never received a recommendation from the City Commission to do anything.

Ms. Purser asked the applicant if there is a difference in this application and the previous application, and he informed that they are just asking for one canopy on Yale. The original plans were for two canopies--one on Fourth Street and one on Yale.

Mr. Jackere informed that at the previous meeting they had the opportunity to approve one or the other of the canopies, or both. He informed that the policy the Board has established is that it will not hear cases unless they are substantially different. The Board must make that distinction.

Ms. Purser asked the applicant if the house on the southeast corner of the intersection faced Yale, and he informed that he did not know. He informed that the house on the northeast corner faces south.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to continue Case No. 12940 to the January 12, 1984, meeting to allow the Board to compare this application with the original application.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request for an exception to permit a duplex in an RS-3 zoned district under the provisions of Section 1680.

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1207 - Request for a variance of the side yard setback from 5' to 0' and the rear yard setback from 20' to 0' in order to permit a lot split in an RS-3 zoned district under the provisions of Section 1670, located at the SW corner of 32nd Street and Irvington Avenue.

Presentation:

Steve Stacy, 3136 East 15th Street, was represented by Jack Stacy, 9640 East 25th Street. Mr. Stacy described the area surrounding the subject property and informed that the subject tract is a corner lot. He informed that of the 68 lots in the area, 42 are single-family and 26 of the lots are existing duplex lots with duplexes in place. He informed this was approved by the Planning Commission. They would like to build a duplex on the subject property with separate ownership on each side--it will not be a rental property. They already have one approved buyer--his son, Steve Stacy. The duplex will be 3,200 square feet--1,600 square feet per side. The estimated construction cost is in excess of \$150,000. He presented a traffic map and described the traffic flow in the area. He submitted 10 pictures of the lot and the surrounding area (Exhibit "E-1"). He informed that the house directly next door to the subject property has been vacant for about 10 or 11 years. The house on that lot is maintained. He informed that the subject tract meets and exceeds every bulk and area requirement for duplex use. The lot is 12,000 square feet--160 feet by 75 feet. They meet all of the required setbacks. The subject property is extremely overgrown at this time. He read what the Planning Commission approved. He informed that his parents live in this addition, and he does not plan on doing anything that will destroy the value of their property--this project will enhance it.

Protestants:

Jack Duchan, 3201 South Irvington Avenue, lives directly east of the subject property. He represented 10 of the local neighbors. He is opposed to this for several reasons. One reason is the heavy traffic in the area. He informed there is excessive traffic 24 hours a day. He feels that what the applicant is proposing will adversely affect their properties. He is also concerned that the taxes may be affected because of possible rezoning in the area. He is concerned that the duplex may be made into rental property. He submitted three letters from people in the area who were in protest of this application (Exhibit "E-2"). Six of the ten people that Mr. Duchan represented were present.

Cecil Tyree, 3132 South Hudson Avenue, informed they have had trouble keeping their residential area residential. They do not want to see commercial creep in on them. He informed that they do have a covenant running with the land. He asked if the Board could over-ride

the covenant, and Mr. Smith informed him that the covenants are private agreements between the property owners and the Board cannot take them into consideration.

Mrs. Bill Vaught, 3224 South Irvington Avenue, informed if the duplexes face 32nd Street, her house will be facing the back of the structure. She was also concerned with the traffic situation in the area. She was also concerned that their taxes might be affected. She feels that this will destroy their neighborhood. She was concerned about a flooding problem in the area and also about what the setbacks for the duplex would be. The applicant explained to Mrs. Vaught what the setbacks would be. She requested that, if this is approved, that the applicant be required to build a fence and maintain it.

Bill Vaught, 3224 South Irvington Avenue, was concerned that it was already decided that the duplex would be allowed. He was informed that the permission had not yet been granted. He told about when the other duplexes in the area were built.

Tony Garrison, 5811 East 32nd Street, asked why they were not notified when the Planning Commission heard this case. Mr. Jackere informed him that there are no notice requirements for that proceeding.

Anna M. Conti, 5801 East 32nd Street, informed her property is directly across the street from the subject property. She informed she is the oldest homeowner in the area. She was concerned with the traffic and where the entrances to the subject property would be. She was told that the entrances would be facing 32nd Street. She is concerned with how this will affect their taxes. The Board informed her that they did not think that this would affect her taxes.

Applicant's Rebuttal:

Mr. Stacy informed they were planning to install a privacy fence. He feels that the proposed structure will improve the property values in the area. He informed that it would be hard to find someone who would desire a single-family residence on the property because of the traffic. He informed that the price of the real estate in the area is extremely high. He informed that a Grading Plan is required which would be taken to the Hydrology Department for approval. He does not feel that he is adding a problem in the area as to the accessibility of the utilities. He informed that they would only be adding about four more cars to the traffic which is in the area now.

Comments and Questions:

Mr. Smith informed the protestants that if the Board does approve this case, they will not change the zoning--it will remain as it is.

Ms. Purser informed that the application says that the side yard setback and the rear yard setback would be reduced to 0 feet, but this is a technicality because it is a duplex. The duplex is in the middle of the piece of property. There will still be a back yard and side yards.

Case No. 12941 (continued)

Ms. Purser asked Mrs. Vaught if there are duplexes behind her house, and Mrs. Vaught informed that there are, but they never received notice about them. She informed they were built two or three years ago.

Mr. Jones informed that they do not show any record of the existing duplexes ever coming before the Board.

Mr. Smith informed he remembered something going on on the lots behind Mrs. Vaught's house.

Ms. Purser requested that the Staff research the lots on Hudson to see if they have permission to be there.

Ms. Purser informed the applicant could build a single-family house on the lot that would be placed right where the duplex is to be placed.

Mr. Jackere informed that the applicant does not need the rear yard relief that is shown.

Mr. Victor informed if this application were before the Board for a lot split, he would not have any reason to vote against it because the applicant meets the area requirements for the zoning. If it were split, the applicant could by right build one unit on each lot. The only difference in this case is that the units will be touching. He does not see any difference in what the applicant is proposing to build and what he could build by right if each half were a single lot. He informed that the Board can impose conditions that could not be imposed if he was complying with all the zoning requirements.

Ms. Purser informed she thought the duplex, if allowed, should have a single-family character to it. The other members shared her concern that the duplex be of single-family character in appearance.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1206) to permit a duplex in an RS-3 zoned district under the provisions of Section 1680, and a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1207) of the side yard setback from 5' to 0' in order to permit a lot split in an RS-3 zoned district under the provisions of Section 1670, subject to the erection of a 6-foot high wooden fence to run from the southeast corner of the structure south to the south property line and then east along the south property line, subject to approval of the City Hydrologist, and subject to the applicant returning with design drawings showing the site location and exterior elevations for approval of the Board prior to the issuance of a building permit, and to STRIKE from the agenda a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1207) of the rear yard setback from 20' to 0' in order to permit a lot split (L-16048) in an RS-3 zoned district under the provisions of Section 1670, on the following described property:

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Case No. 12941 (continued)

Lot 1, Block 3, Lorraine Heights Addition to the City of
Tulsa, Tulsa County, State of Oklahoma.

Case No. 12942

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 -
Request for a variance of the 30' required street frontage to allow
for an existing lot in an RS-3 zoned district under the provisions
of Section 1670, located west of the SW corner of East Tecumseh and
North Xanthus Avenues.

Presentation:

V. L. Twist, 11122 North 165th East Avenue, informed he would like
to add a room onto the existing home on the subject property. The
owner has purchased a right-of-way to the street and has access.
This is filed at the courthouse. Mr. Twist is the contractor for
the addition. He informed he is before the Board because he was
turned down for a building permit. He submitted the document which
was filed at the courthouse to obtain the easement (Exhibit "F-1")
and a plot plan (Exhibit "F-2").

Protestant:

Bill Lawhead, 1826 North Xanthus Avenue, informed he thought the
applicant was going to build a duplex at 1824 North Xanthus. He
does not object to the room addition.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0
(Purser, Smith, Victor, "aye"; no "nays"; no "abstentions";
Chappelle, Wait, "absent") to approve a Variance (Section 207 -
Street Frontage Required - under the provisions of Use Unit 1206)
of the 30' required street frontage to allow for an existing lot
in an RS-3 zoned district under the provisions of Section 1670,
on the following described property:

Beginning at a point 45.25 feet West and 275 feet North of the
Southeast corner of Lot Ten (10) in Block Five (5), CONSERVA-
TION ACRES SUBDIVISION, Tulsa County, Oklahoma; thence North
parallel with the East line of Said Lot 10, a distance of 60
feet to a point; thence West parallel to the South line of
Said Lot 10 to its intersection with the Southerly right-of-
way line of Atchinson, Topeka and Santa Fe Railroad; thence
Southwesterly along said right-of-way to a point in the West
line of Said Lot 10, a distance of 14.46 feet; thence East
parallel with the South line of Said Lot 10, a distance of 170
feet to the point of beginning; Tulsa County, State of Oklahoma,
according to the Recorded Plat thereof.

Action Requested:

Variance - Section 820 - Accessory Uses Permitted in Corridor District - Use Unit 1219 - Request for a variance to permit a satellite dish as an accessory use in a C0 zoned district under the provisions of Section 1670.

Variance - Section 220 - Height Exceptions - Use Unit 1219 - Request for a variance of the 60' height limitation to permit a satellite dish in a C0 zoned district under the provisions of Section 1670, located east of the SW corner of South 109th East Avenue and East 41st Street.

Presentation:

Spectradyme, Inc., was represented by John Pealer, 1923 North Plano Road, Richardson, Texas. They would like to install a 4.6 meter diameter satellite antenna on the eleventh floor of the Tulsa Marriott Hotel. The satellite dish will sit on square concrete pads which will be anchored onto the structural roof of the building. The concrete pads are 12 inches high, and the leg assembly for the antenna will be bolted to the concrete pads. This will not be visible from the ground. It can stand a sustained windload of 100 miles per hour. He submitted documentation of this fact for the file (Exhibit "G-1"). They have FAA approvals. They have installed approximately 200 of these throughout the country. They do a quality professional job.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to approve a Variance (Section 820 - Accessory Uses Permitted in Corridor District - under the provisions of Use Unit 1219) to permit a satellite dish as an accessory use in a C0 zoned district under the provisions of Section 1670, and a Variance (Section 220 - Height Exceptions - under the provisions of Use Unit 1219) of the 60' height limitation to permit a satellite dish in a C0 zoned district under the provisions of Section 1670, as presented by the applicant that it will be on the roof of the Marriott Hotel, that it will be attached directly to a concrete pad, and that it will have wind resistance up to 100 miles an hour, on the following described property:

A TRACT OF LAND 7.1142 acres that is part of the Northeast Quarter of Section 30, Township 19 North, Range 14 East, Tulsa County, Oklahoma. SAID TRACT OF LAND being described to wit:

Starting at the Northeast corner of Said Section 30; thence North $89^{\circ}-56'-28''$ West along the Northerly line of Section 30, for 750.85 feet; thence South $00^{\circ}-8'-29''$ West, for 50 feet to the point of beginning of Said Tract of land; thence continuing South $00^{\circ}-8'-29''$ West for 580.12 feet to a Said point BEING THE NORTHEAST CORNER of Lot 1, in BLOCK 1, of (TOWN CENTER II, as a subdivision of the City of Tulsa; thence North $89^{\circ}-4''$ West along the Northerly line of Lot 1, of Block 1, of TOWN CENTER II. 534.15 feet Northwest of

Case No. 12943 (continued)

Said Lot 1; thence North 00°-8'-29" East along the Easterly line of Lot 2; in Said Lot 1, 4,180 feet to the Northeast corner of Lot 2, in Said Block 2; thence continuing North 00°-8'-29" East, for 300.21 feet to a Said Point being 50 feet Southerly of the Northerly line of Section 30; thence South 89°-56'-28" East and parallel to the Northerly line of Section 30 for 534.15 feet to the Point of Beginning of Said Lot.

Case No. 12944

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'; and a variance of the front setback requirement from 35' to 30' in an RS-1 zoned district under the provisions of Section 1670, located at the NE corner of East 63rd Street and South Louisville Avenue.

Presentation:

Danny Brumble, 6337 S. 73rd E. Ave., presented a plot plan (Exhibit "H-1"). He informed that this is an unusual lot. To get a large house on this size of a lot, they need the variance. He described the surrounding area.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the rear yard requirement from 25' to 10', and a variance of the front setback requirement from 35' to 30' in an RS-1 zoned district under the provisions of Section 1670, with the revision that the house be moved south five feet, per amended plot plan, on the following described property:

Lot 9, Block 5, Brasewood Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma as to the Recorded Plat thereof.

Case No. 12945

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit a car wash in a CS zoned district under the provisions of Section 1680 located west of the SW corner of Admiral Place and 111th East Avenue.

Presentation:

Rafael Irom, 2705 South 98th East Avenue, informed the car wash business will be self-service and will have four bays. It will be constructed of the same material as the shopping center which he

Case No. 12945 (continued)

owns on the subject property. It will be built of cement blocks and will sit at the entrance of the new subdivision that just went in there. There are several small stores in the shopping center, but no major tenants.

Protestants: None.

Comments:

Mr. Victor informed that he does not believe the applicant is appearing with enough information for him to make a decision. He would like for the applicant to come back with a proposed location and a drawing.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to continue Case No. 12945 to the January 26, 1984, meeting for the applicant to return with some explanatory drawings.

Case No. 12946

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212 - Request for an exception to permit a restaurant in an IM zoned district under the provisions of Section 1680, located at the SW corner of 33rd West Avenue and Charles Page Boulevard.

Presentation:

Clarence Brancecum, 3220 Charles Page Boulevard, informed the restaurant will be in a parking lot next to an existing hotel. He presented a plot plan and informed this will not be an all-night restaurant.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - under the provisions of Use Unit 1212) to permit a restaurant in an IM zoned district under the provisions of Section 1680, per plot plan, on the following described property:

Lot 5, Section 3, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma.
The tract further described as:

Beginning 567.7' North of the Southwest corner of Lot 5; thence Northeasterly 168.18' to the point of beginning; thence South 216.03' to the Railroad Right-of-Way; thence Southwesterly along the Railroad Right-of-Way 128' to the East Right-of-Way line of Highway; thence North and Northeasterly around a curve of 302' to the point of beginning.

12.29.83:403(14)

Action Requested:

Variance - Section 430.2 - Bulk and Area Requirements in the RMH District - Use Unit 1209 - Request for a variance of the required 10' and 5' side yards to 5' and 5' side yards to permit double-wide mobile homes in a mobile home subdivision in an RMH District under the provisions of Section 1670, located at 120th East Avenue and Admiral Place.

Presentation:

Warren Morris, P. O. Box 45551, informed that a lot of people in the subdivision want to convert to a double-wide mobile home. He informed that the double-wide mobile homes could be set back far enough behind the building setback for the people to park. He informed that the lot widths are from 40 feet to 50 feet. There will still be a minimum of 10 feet between living units. He submitted a site plan (Exhibit "I-1").

Protestants: None.

Comments:

Mr. Compton informed the Staff does not have a problem with what is requested.

Mr. Smith asked Mr. Morris if he would end up with a duplex on one lot, and Mr. Morris informed he would not have any duplexes.

Mr. Victor asked what the hardship is, and Ms. Purser informed it seems to her that the hardship is related to the Zoning Code because the Zoning Code was designed for them to have an outdoor living space. Mr. Morris does comply with that, but he provides the outdoor living space in the back of the mobile home instead of at the side. The side of the mobile home is really their front yard.

Mr. Compton informed Mr. Morris is complying with RS-3 side yard requirements.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to approve a Variance (Section 430.2 - Bulk and Area Requirements in the RMH District - under the provisions of Use Unit 1209) of the required 10' and 5' side yards to 5' and 5' side yards to permit double-wide single dwelling mobile homes in a mobile home subdivision in an RMH District under the provisions of Section 1670, on the following described property:

Cooley Lake Mobile Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Action Requested:

Special Exception - Section 620 - Accessory Uses Permitted in Office Districts - Use Unit 1202 - Request for an exception to permit a satellite dish in an OH zoned district under the provisions of Section 1680.

Variance - Section 240.2 (c) - Permitted Yard Obstructions - Use Unit 1202 - Request for a variance of the maximum fence height of 8 feet to 12 feet to enclose a satellite dish in an OH zoned district under the provisions of Section 1670, located at the SE corner of Denver Avenue and 16th Place.

Presentation:

Keith Osterman was represented by Jim Jessup, 320 South Boston Building. They would like to put a 2.8 meter satellite antenna on the subject property. They would like to have the 12-foot screening fence in order to avoid interference to the signal. The fence would be of suitable wood construction and would not interfere with vision and traffic patterns. He submitted 9 photographs of the area (Exhibit "J-1"). The satellite dish would be mounted on a concrete base and would be used for receiving signals only. All the cable connections are underground. The total height of the dish will be about 9 feet. The 12-foot fence would completely screen it. It would be impossible to put this on the roof because of interference from other sources of transmission. They are about to discontinue their present source of reception for their broadcasting, so they need to take immediate action. He informed that he had been advised that similar installations appear throughout the City of Tulsa. The satellite dish will be about 100 feet from the road. He informed they have not had any objections from the people in the area. He informed he did not know what kind of lighting there would be. He submitted an information sheet describing the antenna (Exhibit "J-2") and a letter from KRAV to University Mansion of Tulsa Company describing conditions they would meet if this is approved (Exhibit "J-3").

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to approve a Special Exception (Section 620 - Accessory Uses Permitted in Office Districts - under the provisions of Use Unit 1202) to permit a Satellite Dish in an OH zoned district under the provisions of Section 1680, and a Variance (Section 240.2 (c) - Permitted Yard Obstructions - under the provisions of Use Unit 1202) of the maximum fence height of 8 feet to 12 feet to enclose a satellite dish in an OH zoned district under the provisions of Section 1670, with the restrictions that the letter from KRAV to the manager of the University Mansion of Tulsa Company be a part of the record and a part of the conditions, and that the described lighting be directed inward toward the facility, on the following described property:

Lot 16, Block 7, Stonebraker Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Action Requested:

Variance - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1214 - Request for a variance of the setback from the centerline of Peoria Avenue from 50' to 35' in a CH District under the provisions of Section 1670.

Variance - Section 250 - Screening Wall or Fence - Use Unit 1214 - Request for a variance of the screening requirement on the east line of Lot 11 to permit access to an existing alley in a CH zoned district under the provisions of Section 1670, located north of the NE corner of South 11th Street and Peoria Avenue.

Presentation:

Kenneth Root, 1017 South Peoria Avenue, was represented by his architect, Ken Bodie. He informed that the applicant would like to receive the variance on the setback according to the dedicated right-of-way rather than the designated right-of-way. He informed that across the alley from the subject property is a four-plex. If he installs the fence, the people from the four-plex will not be able to get in and out of their carport. He informed that a fence on the subject property would not really serve any purpose since the four-plex is more or less screened by their carport. He informed that they will line up with other buildings in the area. They are just wanting to add about 1,600 feet on to the front of their existing building. He presented a site plan and informed the building on the subject property is used for furniture and television sales. He will be almost doubling the size of the building. The lot facing the residential lot is customer parking. By asking for relief, he is really protecting his neighbor.

Protestants: None.

Comments:

There was a question as to whether or not they would even need the screening on the alley because one map showed the property across the alley as being zoned commercial, and another showed it as being zoned residential.

Mr. Jackere informed the applicant is adding to the front of the building. He probably has grounds for a variance in that he is not putting anything back there that has not already been in existence.

There was discussion as to whether a removal bond would be enforceable on a building. Mr. Jackere informed that it would be binding.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to approve a Variance (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1214) of the setback from the centerline of Peoria Avenue from 50' to 35' in a CH District under the provisions of Section 1670, and a Variance (Section 250 - Screening Wall or Fence - under the provisions of Use Unit 1214) of the screening requirement on the east line of Lot 11 to permit access to an existing alley in a CH District under the provisions of Section 1670,

Case No. 12949 (continued)

with removal contract required for the addition on Peoria Avenue,
on the following described property:

Lots 10 and 11, Block 10, East Lynn Addition to the City of
Tulsa, Tulsa County, State of Oklahoma.

Case No. 12950

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in
Residential Districts - Use Unit 1205 - Request for an exception
to permit a church use in an RS-2 zoned district under the
provisions of Section 1680, located east of the SE corner of
135th Street East and East 24th Street South.

Presentation:

M. M. McDougal, P. O. Box 3209, represented the First Baptist Church.
He submitted a site plan (Exhibit "K-1") and informed the building
will be on a five-acre tract. Twenty-fourth Street will provide the
access to the property. It is not accessible from any other side.
He informed the planned building will be attractive and in harmony
with the neighborhood and will have adequate off-street parking.
They have no plans to conduct any type of school in connection with
the Church at this time. This is a mission Church and will be used
by their Korean congregation. This is a good location because about
50% of the members of that congregation live within a five-mile
radius of the subject property. He described the traffic flow in
the area.

Joe Coleman, the architect for the project, submitted 2 pictures of
the proposed building (Exhibit "K-2"). He described the construction
of the building and the parking.

Protestants: None.

Comments:

Ms. Hubbard informed she thinks this will be subject to the platting
requirements. Mr. McDougal informed he has discussed with INCOG the
possibility of a Waiver of Plat.

Mr. Compton informed if they go for a waiver of plat, it will have to
be reviewed by the Technical Advisory Committee.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0
(Purser, Smith, Victor, "aye"; no "nays"; no "abstentions";
Chappelle, Wait, "absent") to approve a Special Exception (Section
410 - Principal Uses Permitted in Residential Districts - under
the provisions of Use Unit 1205) to permit a church use in an
RS-2 zoned district under the provisions of Section 1680, per plans
submitted, on the following described property:

The E/2 of the SE/4 of the SE/4 of the NW/4 of Section 16,
Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request for an exception to permit office use, less and except funeral homes, prescription pharmacy and transportation ticket office in an RM-1 zoned district under the provisions of Section 1680.

Variance - Section 440 (8) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the one-story building height to three stories in an RM-1 zoned district under the provisions of Section 1670, located at the NE corner of North 24th West Avenue and West Pine Street.

Presentation:

D. Leon Ragsdale, 1615 North 24th West Avenue, informed the subject tract is located on the northeast corner of West Pine Street and 24th West Avenue. The tract is about 4.2 acres in size. He presented the Master Plan prepared by the Gilcrease Hills Development Corporation. He also showed a map which showed the zoning in the area and described the zoning and the area. He told about what is developed and what is being developed in the area. He informed there is a 40-foot drop from the building on the subject property to the back of the site. He informed they are in the process of trading for this property. The contracts have been completed and the purchaser on the trade property for them has already bought this property. They initially went to INCOG and the City and were informed that this was believed to be a nonconforming use. He informed that the property was incorporated into the City on December 6, 1978. They contacted several people before they took occupancy so that everyone would know what they were doing. He informed that they designed the building for the Gilcrease Hills Development Corporation in 1970. It was occupied in the Spring of 1971. It was their understanding at the time they took occupancy for the architectural firm, that this was a nonconforming use. He informed that one of the residents of the area appealed to the City of Tulsa the decision of the Building Inspector's office permitting them to have occupancy. In the letter that the resident wrote to the applicant, he stated that he supported their occupancy, but he wanted it to be legal. He stated in his letter that he felt that they should have the permission through a use exception. Mr. Ragsdale informed that the Building Inspector's decision was reversed and the land was determined to not be nonconforming. He presented 32 pictures which show the nature of the three-story building and explained them (Exhibit "L-1"). He informed that it is 445 feet from the edge of the property to Pine Street. He presented several photographs which show what can be seen from various points on the property. The site around the building is very heavily treed. He informed that the building has a deck on the third level. From the entrance level to the top of the roof is 32 feet and 9 inches. Everything is located within about 24 feet except the storage area and the deck. He described the building on the property. He submitted elevations of the exterior and a cross-section of the building (Exhibit "L-2"). He informed, at this point, they have no more development plans. He informed that Mr. Tom Stiff, the developer of Gilcrease Hills owns the largest amount of adjacent properties to this development.

Interested Party:

Tom Stiff, 4234 East 102nd Street, represented Gilcrease Hills Development Company. He informed that the development company still owns a lot of the land surrounding the subject property. He informed the structure has continuously been used, since it was built, as an office construction site. It has been the administrative offices of the development company, has had a real estate operation operating out of it, and has been the construction office for the development company. He informed there has never been any prior protests to the use of this facility as an office. In the original master plan, it was contemplated that the property would be used as a commercial or office-type use throughout the entirety of the project. That is why it is located where it is--away from the single-family detached housing. He informed that the property is in a large band of RM-1 zoned property, and throughout the City there are numerous instances of office-use exceptions in RM-1 zones.

Protestants:

Steve Clark, Suite 810, Utica Bank Building, 1924 South Utica Avenue, is the attorney for the Gilcrease Hills Homeowners Association. He was asked by the Board of Directors of the Homeowners Association to appear before the Board and object to the application. He informed that if the property was ever intended to be light office by the developer, the idea was never conveyed to the homeowners. He informed that the signage throughout the Gilcrease Hills area refers to this structure as the information center, and that is what it was originally designed for. The residents of Gilcrease Hills were informed that at some point in time it would become a club for the homeowners, or it would become some type of country club for the association. He informed that in 1978 a rezoning application for this tract of land was denied by the City Commission. He informed that they regret the difficulty that Mr. Ragsdale has found himself in. He feels the value of property of all the surrounding homeowners and all the homeowners of Gilcrease Hills will be decreased if this is approved. If there was a mistake made, he feels that the homeowners should not be the ones who pay for that mistake. He informed that the area was not intended for light office use. They object to any extension or any change in the use of this from RM-1 to a Use Unit 11 because if it is converted into a Use Unit 11, it will be very difficult to reason why the owners should not be allowed to build additional structures on the property. He is concerned that this will set a precedent in the area. He informed that if the Board feels that this exception should be granted, he would ask that some realistic restraints be placed on it--not the minimal restraints mentioned by the applicant. They would like him to be prohibited from constructing any additional office space on the property at any time. They would like this to be limited to its current use. He informed that Use Unit 11 permits many uses, some of which are detailed and some of which are very general. He informed that Mr. Ragsdale has indicated to the Board of Directors that he is also in a construction management business. They have concerns that the property in its expanse of over 4 acres could be used for storage of construction equipment at some site on the property. He requested that, if the Board approves this, they limit it to the use that he is making of the property at the present--an architectural office. He informed it is his understanding that

the greenbelts of land surrounding the subject property are still owned by the developer because he has not done the deeding that was agreed to. Mr. Clark informed that the present owner is in the direct chain of title with the original owner who said that this would be a clubhouse. He informed that the open space that Mr. Ragsdale described was built into the structure because it was intended to be a clubhouse, not an office. He feels this is a very inefficiently designed office space and that is because it was never designed as an office. He informed that the Board, in making its decision, is obligated to consider the public welfare and whether this particular application is injurious to the public welfare and to the neighborhood.

Michael Snoddy, 1924 North Maybelle Avenue, informed he is the Vice President of the Gilcrease Hills Homeowners Association. They have discussed this situation at length and have considered several possibilities. One worry they have is about whether or not this will set a precedent in the area. They feel Mr. Ragsdale would be a good neighbor.

Applicant's Rebuttal:

Mr. Ragsdale informed they are already committed to the transaction for this property. He also informed that the building was not designed to be converted to a clubhouse. He informed that he has watched a number of planning applications all over the City of Tulsa, and for some reason there seems to be the attitude that this is such a unique area and there is nothing else like it in the world. He informed it is a nice area. He stated that the Homeowners Association does not comprise the majority of land in the area. It is only comprising the majority of the developed land in the area at this time. There are a lot of areas yet undeveloped that will totally change the complexion of the community. This particular region throughout the entire center of this subdivision is a unique area. He informed they have a unique terrain differential there. He thinks the Homeowners Association would be best suited to try to work with people to bring in a quality development. They think that this would add to the quality of the area. He informed that a questionnaire sent out by the Homeowners Association indicated that 39% of the people in the area would like to see financial offices in the area. He informed there are limited areas in this region for offices and for other amenities that would support the kind of residential area that this is in the City. It is uncommon to have this much single-family developed without some supporting area. They do not feel that this use would be uncommon. They will not make bad neighbors and he does not think that an office use will be incompatible with the best interest or the safety, health, and welfare of the people in Gilcrease Hills.

Comments:

Mr. Victor asked if something could be shown to prove that it was represented to the homeowners that this building would be used as a clubhouse. Mr. Snoddy informed that he did not have any documents with him today, but there are some which state that it was to be used as a clubhouse. Ms. Purser informed that she looked at a piece of property in Gilcrease Hills a number of years ago, and her memory is that they were told that it would be a clubhouse. Mr. Jackere

informed that this would really not make any difference because the Board is not interested in what the covenants say--they make land use decisions based on good land use. If there was some representation which may come up short of a covenant or promise in writing, that is something that is private in nature and the Board has no control over it and should not be guided by it in their decision.

Mr. Stiff informed that, prior to making any attempt to sell the existing structure, they contacted the Homeowners Association Board of Directors and asked them if they had any interest in the building. They indicated that they were not interested in receiving the building. This occurred about six or eight months ago.

Mr. Clark informed that there was a sales agreement that was discussed at the time they were approached by the developer, but there was no discussion of deeding the property to the Homeowners Association outright. He informed that Mr. Ragsdale was put on the agenda for a Board of Director's meeting, but he did not attend. Mr. Ragsdale did meet with them after the last hearing before the Board.

Mr. Victor asked Mr. Jackere if he was saying that whatever the homeowners thought the building was going to be used for has no bearing on this discussion.

Mr. Jackere informed that what the Board has to decide is whether office use is compatible with what is allowed irrespective of what any covenant or promise that might have been made.

Ms. Purser informed the Board should not be concerned with whether Mr. Ragsdale or anyone else will lose any money or anything by the Board's decision. They must determine whether office use is appropriate at this location.

Mr. Ragsdale asked if the money factor would be considered a hardship. Mr. Jackere informed him that the Courts say that the Board cannot consider financial hardship alone. He stated that if there are other good reasons for allowing an office use, the Courts will consider a financial hardship along with other reasons.

Ms. Purser asked Mr. Ragsdale what his rationale was for eliminating funeral homes, prescription pharmacies, and transportation ticket offices. He informed that the Homeowners Association wanted them to limit some of the things and they agreed to do so. Now the Homeowners Association is wanting them to limit everything but architects. He thinks this is a very unrealistic limitation that they are wanting to impose.

Ms. Purser asked Mr. Clark what his rationale was for eliminating those three items, and he informed that Mr. Ragsdale made the list of items that he was willing to eliminate. Those three were on that list along with some others. At that time, he gave him some other items or uses that the homeowners chose to have limited primarily because of the type of vehicular traffic needs, the type of signage requirements, and the type of visual impact that they would have on their residential community. He described some of the other uses they did not want.

Case No. 12951 (continued)

Ms. Purser informed she understands Mr. Clark's concern about the traffic. This Board could limit the signage to very small for any kind of office.

Ms. Purser informed that she felt that if an architectural office is okay, then another light-traffic office would be okay also. She felt that the protestants' request was a little unreasonable, but she also felt that the applicant's request was too broad.

Mr. Clark informed their direction was more in the area of professional offices that would eliminate the semblance of a retail or more commercial-type use.

Mr. Victor informed Mr. Ragsdale that he thought it was Mr. Ragsdale's intent from the presentation last time and now that his architectural firm and construction management firm were going to wholly occupy the building. Mr. Ragsdale informed that that is correct. They will not lease space to anybody, but they do not want to limit themselves in the future, if they want to sell, to sell it only to an architect. They want to find a compatible use with the neighborhood which they feel is not contrary to good planning.

Mr. Victor informed Mr. Ragsdale that it was his understanding that his intention was to leave the building and the site as it is. Mr. Ragsdale informed this application deals only with that, and they understand that if they want to do something to it, they would have to come back before the Board with another application for them to approve or deny.

Mr. Jackere informed if the Board grants a use exception and the applicant later decides he wants another use, he can come back before the Board. This does not limit them forever. He feels that it is appropriate, if the Board is inclined to approve this, to approve it with the uses that Mr. Ragsdale is requesting. If they want another office use on the site, they will have to come back.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "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 for architectural engineering, planning, interior design, feasibility studies, construction management, accounting relating to this business, and real estate sales in an RM-1 zoned district under the provisions of Section 1680, with the conditions that there be no outside storage, limited to the existing structure, and limited to the size and location of the existing signage with the signage to be lighted only by spot-light lighting, and a Variance (Section 440 (8) - Special Exception Uses in Residential Districts, Requirements) of the one-story building height to three stories in an RM-1 zoned district under the provisions of Section 1670, on the following described property:

A tract of land situated in the NW/4 of the SW/4 of Section 27, Township 20 North, Range 12 East of the Indian Base and Meridian, Osage County, Oklahoma, said tract being more particularly described by metes and bounds as follows, to wit:

Case No. 12951 (continued)

Commencing at the Southwest corner of said NW/4 of the SW/4; thence South 89°-04'-34" East along the South line thereof, a distance of 737.43 feet; thence North 0°-30'-32" East a distance of 80.00 feet to the point of beginning; thence continuing North 0°-30'-32" East a distance of 78.40 feet to a point of curvature to the left, said curve having a radius of 390 feet and a central angle of 33°-54'-02"; thence along said curve, a distance of 230.75 feet; thence North 33°-23'-30" West a distance of 157.28 feet; thence North 67°-31'-33" East a distance of 90.00 feet; thence North 21°-15'-49" East a distance of 109.32 feet; thence North 55°-37'-21" East a distance of 174.75 feet; thence South 86°-42'-01" East a distance of 59.42 feet; thence South 56°-12'-01" East a distance of 134.00 feet; thence South 3°-12'-01" East a distance of 150 feet; thence South 19°-37'-04" West a distance of 464.25 feet; thence North 89°-04'-34" West a distance of 140.00 feet to the point of beginning and containing 4.11 acres, more or less.

Case No. 12952

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 livability space from 7,000 sq. ft. to 6,000 sq. ft. in an RS-1 zoned district under the provisions of Section 1670, located east of the NW corner of South Columbia Avenue and East 28th Street South.

Presentation:

Floyd Roberts, 2220 East 31st Street, was present.

Protestants: None.

Comments:

Mr. Smith informed to avoid a possible conflict, he cannot vote on this item. This would leave the Board without a quorum for this case.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to continue Case No. 12952 to the January 12, 1984, meeting.

Case No. 12955

Action Requested:

Variance - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1223 - Request for a variance to permit a warehouse in a CS zoned district under the provisions of Section 1670, located at the SE corner of 37th West Avenue and West Skelly Drive.

Presentation:

George T. Hill was represented by Ken Cox, 4100 Bank of Oklahoma Tower, who informed there is some confusion as to the legal description for the underlying zoning. For this reason, they would like to have this continued to give them some time to straighten this out.

Case No. 12955 (continued)

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to continue Case No. 12955 to the January 12, 1984, meeting.

OTHER BUSINESS:

Case No. 12927

Action Requested:

Reconsideration of Board decision regarding Case No. 12927.

Presentation:

The applicant, Mark W. Dixon, 201 West 5th Street, Suite 101, was not present.

Protestants: None.

Comments:

Mr. Jackere informed that he had advised the applicant that he felt that the Board has the power to let an applicant represent a case at another meeting after giving proper notice if he has new evidence.

There was discussion as to what the application was requesting.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Wait, "absent") to DENY the request for reconsideration of Board decision regarding Case No. 12927.

There being no further business, the Chair adjourned the meeting at 5:02 p.m.

Date Approved _____

2/9/84

Chairman

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 402
Thursday, December 15, 1983, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Smith Victor Wait	Purser	Gardner Jones Wiles	Hubbard, Protec- tive Inspections Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, December 13, 1983, at 10:55 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Mr. Wait called the meeting to order at 1:06 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the Minutes of November 3, 1983 (No. 399).

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:

Franklyn Casey was represented by Bruce McKenna, 3140 South Winston Avenue, who informed that a zoning change from AG to IL has been approved by the Planning Commission and the City Commission. They now need special exceptions for some of the uses they want on the subject property.

Protestants: None.

Comments:

Mr. Jackere explained to the Board the status of this application for the past several months, and he informed that the things the applicant wants the special exceptions for, need to be specifically advertised.

There was discussion about what was permitted by right in the area since the property has been rezoned.

Mr. Jackere informed that the applicant needs to be made aware that the Board typically does not consider a use unless it is site specific.

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";

Case No. 12379 (continued)

Purser, "absent") to continue Case No. 12379 to the January 26, 1984, meeting.

Case No. 12909

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit a Pythian Benevolent Association in an RM-2 zoned district under the provisions of Section 1680, located at the SW corner of Troost Avenue and 8th Street.

Presentation:

David Talbot was represented by Bob Whitchurch, 19 North Knoxville Avenue, who presented 2 pictures (Exhibit "A-1") and drawings (Exhibit "A-2") of a building that the Pythian Benevolent Association would like to build on the subject property. He described the pictures and informed that they would like to have the option of building either of the two buildings pictured--one is metal and one is brick. He informed that they do not want to go into debt on the building. They are willing to come back before the Board to present their final plans when they decide which building they will build. The Association meets on the 1st and 3rd Thursday of each month from about 6:30 p.m. until about 10:30 p.m. There are two other groups that would meet at the building, so it would be used approximately 5 days a month. They do have special functions and meetings occasionally. He thinks that they will have adequate off-street parking. They would like to build the 5,000 square-foot building for \$100,000. Mr. Whitchurch informed that they have an engineer who is drawing up the plans; when he is finished, the plans will be bid on. He informed the height of the metal building he had a picture of is 9-foot on the inside.

Dennis Proffit, 1523 South Sheridan Road, informed that the precast concrete building would be 16 feet high. They would like the Board to go ahead and approve the special exception for the use, subject to approval of the building so they can continue with the contract on the land.

Protestants: None.

Comments:

Mr. Victor informed that most of the metal building companies make a mansard facia as part of their wall systems that they can add to the building to reduce the industrial look.

Mr. Gardner informed that at the last meeting the Board was concerned that the building not be industrial looking--they had no problem with this use for the land.

Mr. Wait suggested that the applicant come back when they decide for sure which building they want to build.

Mr. Smith informed that the Board is very concerned about having a metal building on the property.

Mr. Victor informed that he suggested to the applicant before the meeting started that perhaps they could add a standard facia or a cornice

Case No. 12909 (continued)

around the building. This is generally part of the standard wall systems for metal buildings, and possibly with suitable corners this could more or less soften the industrial look of the proposed metal building.

Mr. Smith informed that he thought it was the general feeling of the Board that they do not want to see a metal building in a residential area. He has no objection to the brick building.

Mr. Gardner informed that if they do not approve the use subject to a particular type of plan, then the Board might later deny the plan and the applicants might not be able to afford anything else and they would be stuck with the land. They are trying to get some commitment out of the Board as to the Board approving the use and generally stating what type of building will be acceptable. He informed that the applicant is better off if the Board approves the use and limits it to the tilt-up concrete building. At least they know that if they cannot live with that restriction, they haven't bought anything.

Mr. Victor does not think that enough design for a metal building has been given them to approve the metal building.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1205) to permit a Pythian Benevolent Association in an RM-2 zoned district under the provisions of Section 1680, subject to the type of building built on the property being a tilt-up brick veneer building as submitted by the applicant, on the following described property:

Lots 1-4, Block 7, Park Dale Addition to the City of Tulsa,
Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12903

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

Presentation:

David Nelson, 123 West Commercial, Broken Arrow, informed that the deed to split the lot was filed in 1947. This has been approved by the Planning Commission.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - under the provisions of Use Unit 1206) of lot width from 60' to 50' to permit a lot split (L-16024) in an RS-3 zoned district under the provisions of Section 1670, on the following described property:

The N/2 of the W/2 of Lot 2, Block 6, Maryland Gardens and the S/2 of the W/2 of Lot 2, Block 6, Maryland Gardens Addition to Tulsa County, Oklahoma.

Case No. 12912

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1223 - Request for a variance of the frontage requirement from 150' to two lots with frontages of 30' and 136' to permit a lot split in an IL zoned district under the provisions of Section 1670, located south of the SW corner of Broken Arrow Expressway and South Mingo Road.

Presentation:

John W. Sublett, #1 Williams Center, Suite 1776, informed this is a flag-lot and there will be a mutual access easement over the 30 feet for both lots so it will not require any additional curb cuts. This has been approved by the Planning Commission. They would like this approved because the lots will be developed separately and will be separately mortgaged.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - under the provisions of Use Unit 1223) of the frontage requirement from 150' to two lots with frontages of 30' and 136' to permit a lot split (L-16032) in an IL

12.15.83:402(4)

Case No. 12912 (continued)

zoned district under the provisions of Section 1670, on the following described property:

Commencing at the SE corner of SE/4, SE/4, NE/4, of Section 25, Township 19 North, Range 13 East in the City and County of Tulsa, Oklahoma; thence North 0°-08'-44" West along the East line of said Section 25 a distance of 260.95' to the point of beginning; thence South 89°-57'-41" West a distance of 661.14'; thence North 0°-07'-58" West a distance of 166'; thence North 89°-57'-41" East a distance of 661.10' to a point on the East line of said Section 25; thence South 0°-08'-44" East along the East line of said Section 25 a distance of 166' to the point of beginning, containing 2.5194 acres, more or less.

Case No. 12927

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1208 - Request for a variance of the permitted sign setback requirement from 100' to 40' in an RM-2 zoned district under the provisions of Section 1670, located north of the NE corner of 71st Street and Lewis Avenue.

Presentation:

Mark W. Dixon, 201 West 5th Street, Suite 101, was present on behalf of Johnstown American Properties that owns the Williamsburg Commons apartment complex. Because of a row of Pin Oak trees that are approximately 20 feet high that run the entire length of the apartment complex, the view of their present sign is obstructed. He submitted a drawing of what the sign will look like and exhibits showing where the location of the present sign is and what the location would be if this variance is granted (Exhibit "B-1"). Mr. Dixon informed he was told that he must come to this Board first and then go the City Commission. He informed that the sign would not obstruct the vision of drivers going by the complex. He submitted 14 pictures to show that the vision would not be obstructed (Exhibit "B-2"). He informed that the variance is really asking for only 10 feet. They need the sign moved out in order to attract new tenants. He informed that he is not aware of any other signs on Lewis that are that close to the street.

Protestants: None.

Comments:

Ms. Hubbard informed that the City Engineering maps indicated that there is 50 feet dedicated from the centerline, so the City Commission would also have to act on this.

Mr. Jackere informed that this is in dedicated right-of-way. He thinks that if the Board should approve this, the applicant would need permission from the City to locate the sign on the property. This would involve the standard removal contract. The applicant cannot utilize this Board's permission without the City's permission.

Mr. Victor feels this is very obviously an apartment complex. He feels that the hardship of the trees is something that the owner has caused by planting the trees where they are.

Case No. 12927 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Variance (Section 280 - Structure Setback from Abutting Streets - under the provisions of Use Unit 1208) of the permitted sign setback requirement from 50' to 40' from the centerline of Lewis Avenue in an RM-2 zoned district under the provisions of Section 1670, on the following described property:

Lot 1, Block 1, Williamsburg Plaza Addition to the City of Tulsa, Oklahoma.

Case No. 12928

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 setback requirement from 20' to 16' to permit an addition onto an existing residence in an RS-3 zoned district under the provisions of Section 1670, located east of the SE corner of South Fulton Avenue and East 65th Place South.

Presentation:

Larry Decker, 4106 South Columbia Avenue, submitted a plot plan (Exhibit "C-1") and informed that they are adding a room addition to the property, and in order to get the size of room they need, they need to go 16 feet from the rear property line. This is four feet closer than the zoning allows. South of the lot is vacant land--it has never been platted or developed.

Protestants: None.

Comments:

Mr. Gardner informed that he thinks the property to the south of the subject property is owned by the Warren Foundation.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - under the provisions of Use Unit 1206) of the rear setback requirement from 20' to 16' to permit an addition onto an existing residence in an RS-3 zoned district under the provisions of Section 1670, per plot plan, on the following described property:

Lot 20, Block 6, Warrenton Addition to the City of Tulsa, Okla.

NEW APPLICATIONS:

Case No. 12916

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225 - Request for a variance of the front setback requirement from the centerline of Peoria Avenue from 100' to 80' and a variance from an abutting AG District from 75' to 0' in an IL zoned district under the provisions of Section 1670, located north of the NW corner of East 91st Street South and Peoria Avenue.

Presentation:

Margaret Guy was represented by Louise Strout, Route 2, Box 94, Sand Springs, Oklahoma. She informed that the variance is needed because of the shape of the property. She submitted some drawings (Exhibit "D-1") and described the property. There is no area of the property to build on without variances. The applicant would like to put an office/warehouse on the property. She informed that to the north of the subject property is zoned IL, and there is a house and several vacant lots. She informed that just across the street from the subject property is a cement building that is used for a building company. She described the surrounding property uses. The proposed building will sit somewhat closer to the street than the house to the north does. When the house was built, the land was not industrial and did not have the same setback requirements. She submitted a plot plan (Exhibit "D-2").

Protestants: None.

Comments:

Mr. Victor informed that he feels the shape of the lot is a basis for a hardship in this application.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - under the provisions of Use Unit 1225) of the front setback requirement from the centerline of Peoria Avenue from 100' to 80' and a variance from an abutting AG District from 75' to 0' in an IL zoned district under the provisions of Section 1670, per plot plan, on the following described property:

A tract, parcel, or piece of land located in the SE/4 of Section 13, Township 18 North, Range 12 East, Tulsa County, Oklahoma, being more particularly described as follows: Beginning at the Point of Intersection of the East line of Section 13, Township 18 North, Range 12 East, Tulsa County, Oklahoma and the East right-of-way line of the Midland Valley Railroad right-of-way, said point being North 0°-00'-38" West a distance of 991.48' from the Southeast corner of said Section; thence North 0°-00'-38" West continuing along the East line of said Section 13, a distance of 571.00'; thence South 89°-53'-08" West a distance of 213.22' to said East Railroad right-of-way line; thence South 20°-30'-00" East a distance of 609.15' to the Point of Beginning, containing 1.40 acres, more or less.

Case No. 12917

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request for a variance of the side yard requirement from 10' to 7.5' to permit an addition onto an existing residence in an RM-2 zoned district under the provisions of Section 1670, located at the NE corner of 14th Street and Galveston Avenue.

Presentation:

W. Ray Young, 617 West 14th Street, informed that the existing house is five feet from the side yard line. The zoning on the property was changed since the house was built. He submitted a plat of survey (Exhibit "E-1").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - under the provisions of Use Unit 1206) of the side yard requirement from 10' to 7.5' to permit an addition onto an existing residence in an RM-2 zoned district under the provisions of Section 1670, per plot plan, on the following described property:

Lot 7, Block 6, Childers Heights Addition to the City of Tulsa, Oklahoma.

Case No. 12918

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit a day care center on a lot with an existing residence in an RS-3 zoned district under the provisions of Section 1680, located at the SE corner of Xanthus Avenue and Woodrow Street.

Presentation:

Oleta Wright Whiddey, 2110 North Xanthus, was represented by Alvin Hayes, 1345 East Apache Street. He presented some drawings of their plans and described them. The plans are not final. The new building for the day-care center will be brick and it will meet all of the specifications of the Building Inspector. They would like to have the use approval before they spend money on the final plans. The new building will be 30' by 50'. To the east are residences, but they have acquired the house directly next door so that they have two adjoining lots. The second lot will be used for overflow parking. They do plan to have hard-surface parking. They have not started construction on the second building yet. The existing structure will continue to be a residence. The subject property is a long lot which has a fence across the middle of it. The lot has never been physically split. He informed that directly across from the subject property are commercial uses.

Protestants: None.

Comments:

Mr. Jackere informed he has a two-fold concern: (1) He questions

Case No. 12918 (continued)

whether the applicant can meet the required livability space in the single-family zoning district; (2) he cannot recall an instance where the Board has had a special exception request for a use on the same lot with another principal structure. He informed that if the center should fold in a few years, the Board would be hard pressed to suggest that the applicant not use the existing structure for some otherwise lawful use which might be a single-family dwelling. This would put two single-family dwellings on the same lot which would be inconsistent with the other houses in the area. He is concerned that a second structure on the lot would change the character of the neighborhood.

Mr. Gardner thinks that the applicant should get a lot split first.

Ms. Hubbard is concerned that the applicant may need more relief than he is asking for.

Mr. Smith informed that if he split the lot, he would only have to have one use on each lot. He does not remember a case like this coming before the Board in the past.

Mr. Gardner feels that the applicant needs either a lot split or a variance asking for two different principal uses and structures on the same lot.

Mr. Gardner suggested continuing this case to let the applicant go to the Building Inspector and work out what he needs.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 12918 to the January 12, 1984, meeting.

Lot 7, Block 11, Coots Addition to the City of Tulsa, Oklahoma.

Case No. 12919

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request for a variance of the side yard requirement from 10' to 7' in an RM-1 zoned district under the provisions of Section 1670, located south of East 62nd Street South on the east side of South Quebec Avenue.

Presentation:

Eugene McQueen, 6919 East 58th Street, informed this variance is requested to permit a driveway on the south side of the lot. This is a busy intersection, and it would be hazardous to have to back out into the traffic pattern. There is a vacant lot to the south of them.

Protestants: None.

Comments:

Mr. Smith informed the Board has granted several of these side lot waivers in the past in this addition.

Case No. 12919 (continued)

Mr. Gardner informed this is a single-family subdivision and is restricted by covenant to single-family; however, it was originally zoned for apartments, and the zoning has never changed. If it were zoned single-family, he would not have the same setbacks.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - under the provisions of Use Unit 1206) of the side yard requirement from 10' to 7' in an RM-1 zoned district under the provisions of Section 1670, on the following described property:

Lot 47, Block 7, Livingston Park South Addition to the City of Tulsa, Oklahoma.

Case No. 12920

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 (beauty shop) in an RS-3 zoned district under the provisions of Section 1680, located south of the SW corner of Independence Street and Louisville Avenue.

Presentation:

Judith Schmitt, 720 North Louisville Avenue, informed she would like to convert one of the bedrooms in her home to a beauty shop. There is a beauty shop across the street and one next door to her. She submitted a petition signed by people in the area who do not object to this application (Exhibit "F-1"). She is going to be working by herself and may have five or six customers a day. She would like to work from 9 a.m. until 5 p.m., Tuesday through Saturday. She has a long one-car driveway. She informed that there is a parking lot across the street that she has permission to use if she needs to. She informed that they will not have a sign.

Interested Party:

Maria McQueen, 246 Center Plaza, informed that the parking lot across the street from the subject property belongs to a Church, and the Church has said that anybody may park there. There would not be any addition or construction to the house.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 440.2 - Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1206) to permit a home occupation (beauty shop) in an RS-3 zoned district under the provisions of Section 1680, for the shop to operate Tuesday through Saturday from 9 a.m. until 6 p.m. in compliance with all the Home Occupation Guidelines, to run with this owner only, on the following described property:

Case No. 12920 (continued)

Lot 8, Block 11, Federal Heights Second Addition to the City of Tulsa, Oklahoma.

Case No. 12921

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the frontage requirement from 150' to 30' to permit platting in a CS zoned district under the provisions of Section 1670, located south of the SW corner of South Sheridan Road and East 81st Street South.

Presentation:

James Visintainer from DECA Engineering, 110 South Main Street, Broken Arrow, Oklahoma, was present representing Frank and Oleta Lucenta, P. O. Box 35949, Tulsa. They are providing a mutual access easement along the front of the property to serve each lot with two access points off of Sheridan. The plat has Sketch Plat approval of the TAC. The area is being platted, and they are here to get the small lots. He submitted a plot plan (Exhibit "G-1").

Protestants: None.

Comments:

Mr. Gardner informed this would have to be tied to the approval of the subdivision plat.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the frontage requirement from 150' to 30' to permit platting in a CS zoned district under the provisions of Section 1670, subject to the approval and filing of the plat, on the following described property:

Beginning at a point 208.72' South of the Northeast Corner, Section 15, Township 18 North, Range 13 East; thence South 208.71'; thence West 417.42'; thence North 208.71'; thence East 417.42' to the point of beginning, also known as 81st Street and Sheridan Road, in the City of Tulsa, Oklahoma.

Action Requested:

Variance - Section 1225.3 (a) - Light Manufacturing and Industry Use
Conditions - Use Unit 1225 - Request for a variance of the requirement to conduct proposed drilling research operations within enclosed buildings to eliminate the enclosure requirement in an IM zoned district under the provisions of Section 1670, located south of the SE corner of Atlanta Avenue and Marshall Street.

Presentation:

Frank D. Hettinger, 320 South Boston Avenue, was present representing the University of Tulsa. He informed that the University has a series of projects called artificial lift projects which involve studying the operation of various kinds of oil field pumps. In order to make this study, they are drilling an oil well 2,500 feet deep at a site which is located 150 feet plus a street from houses on the north and 200 feet plus a street from houses on the east. It is located at their north campus location. He informed that the requirement in Use Unit 25 is that a facility within 300 feet of a residential district must be enclosed in a building. The problem with enclosing this hole in a building is that from time to time, they will have to pull the tubing which will require them to have a small workover rig come in. A building which would allow this procedure would be very difficult to design-- they feel it would be a hardship to try to design one. They are willing to put up a screening fence on the north and east sides of the installation. The noisiest thing there would be is a 140 horsepower diesel engine. The use will be during the day and primarily during the summer. They have not started drilling the hole yet. He informed that the subject property is owned by the University and is zoned IM. He submitted a plot plan (Exhibit "H-1").

Roger Blaze, 5348 East 30th Place, informed he is a faculty member at the University of Tulsa. He described some of the projects that are located on the subject property. He informed that if there was a problem with noise, it would come from the engines, not from the hole. They would muffle the engines the best they could. He informed they could put up a baffeling wall. He informed that as a research facility, this is operated only during working hours. It would not be run on an 8 hour a day basis like a production facility. It would be used during data-taking periods. Mr. Blaze informed that they have not purchased equipment yet and would be open to using electric motors as opposed to engines if they can afford them and if they can find some with sufficient capacity. Most of the time they do use engines in their projects. They would like to be able to go ahead and drill the well which will take from 7 to 10 days.

Protestants:

Lucille Dignan, 1165 North Atlanta Place, informed that this site is close to an area where elderly people live, some of whom have been there for many years. Many of these elderly people are sick and could not be present to protest this application. She is concerned with the noise that this will generate. She is not sure the applicants could do anything to control the noise.

Priscilla Kelly, 2439 East Marshall Street, informed she is concerned with the noise the project will generate and the effect that the noise will have on the elderly people in the neighborhood. She also had a

complaint because many of the people who go to the site use her driveway to turn their car around. She informed there is no other industry in the 2400 block of East Marshall, Newton, or Atlanta. She informed that most people in the area are home all day and will have to put up with the noise.

Richard Carver, 2503 East Marshall Street, informed they like the peace and quiet in the neighborhood, and they would like to keep it that way.

Julius F. Phillips, 2427 East Marshall Street, was concerned about the noise that this will generate and the effect it will have on the elderly people's health.

Pat Wood, 1169 North Atlanta Place, informed she works the night shift and does not want the noise during the day. She informed that the people in the area were not notified when the property was commercialized.

There was a petition protesting this application submitted (Exhibit "H-2").

Applicant's Rebuttal:

Mr. Hettinger does not think a building will help with the noise problem and does not think the building over the hole should be necessary. He informed they would not be changing the tubing very often.

Comments:

There was discussion about possible alternative locations for the project.

Mr. Jackere informed that in a previous case for the Amoco Research Facility, the site was located more than 300 feet from the neighboring residences and some buildings were located between the project and the residences. He pointed out that perhaps some of the justifications for the variances of the enclosure requirement are (1) the distance from the residences and (2) what is around the hole. The hole in that case was encircled by other kinds of buildings.

Mr. Jackere informed that the applicants would be required to screen the properties to the north and the east.

Mr. Victor informed that one of the problems with screening is that screening walls do not do that much for noise abatement.

Mr. Wait asked if the engines, motors, and pumps would be in an enclosed building, and Mr. Blaze informed him that they had not planned to enclose them. Mr. Wait feels that the building over the hole would be of little or no value because the equipment would be moving in and out. He does feel that a building enclosing the pumps and the engines would cut the noise down.

Mr. Victor informed that he agrees that it is probably impractical to build a structure over the drill site, but he has not heard any solutions on some of the problems--noise, equipment, etc.

Case No. 12923 (continued)

Mr. Wait understands the difficulty involved in putting a building over a drill well; however, the drilling of the well is not going to take an indefinite length of time to complete, and he would have no objection if there was a limitation to the number of times that they had a workover rig over the well. He would like for the pumps, engines, and motors to be enclosed in a building. This would reduce the noise.

Mr. Victor informed that he feels that the applicant in seeking to justify his application has not demonstrated a reasonable substitute to abate the noise that will bother the residential area.

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 2-2-0 (Chappelle, Victor, "aye"; Smith, Wait, "nay"; no "abstentions"; Purser, "absent") to DENY the requested variance. This motion did not pass for lack of three affirmative votes.

Mr. Wait wondered if the applicant could submit some sort of information to the Board that would give the Board reason to consider that there could be an abatement in noise as far as the pumps, engines, and motors are concerned.

Mr. Smith informed he would like this moved somewhere else on the site. His concern is with the noise that will be generated during the operation of the project.

Mr. Blaze informed that the difficulty with moving the site farther to the south is that there are several structures and utilities that would make it very difficult to drill the well itself. He informed they are not doing drilling research--their research is on the machines. He feels that they could put most of the noise generating equipment in a building. There would still be times of periodic noise. He informed there are numerous capped wells on the property.

Mr. Wait would like this to be continued to allow the applicants an opportunity to present a decibel level that they would not exceed in the area.

Mr. Smith informed that in IM zoning, anything done there could be noisier than this operation.

Board Action:

On MOTION of WAIT and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 12923 to the January 12, 1984, meeting.

Case No. 12924

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request for an exception to allow office use in an RM-2 District under the provisions of Section 1680, located north of the SE corner of 17th Place and Carson Avenue.

Presentation:

L. E. Collins, 6740 East 24th Street, informed that this is his grandparents' home. He now owns it and has turned it over to Merrill Lynch Realtors to sell. He would like to have medium office use on the property because of the surrounding uses in the area. He described the surrounding area. There are condominiums across the alley from the property and offices to the south.

Protestants:

Mike Freeman, 1701 South Carson, represents six people who live on Carson Street. He owns the property just north of the subject property. He informed that previously the Board granted to him a limited use for office. There were several restrictions put on this relating to parking, signs, etc. He informed that there are quite a few other old homes that have been made into offices in that area. He is concerned because the house is on the market and it is only 10 to 12 feet away from the property line of the house to the north. There would be only about 30 feet from his back door to the back door of the house on the subject property. He had some concern about parking in the area. The neighbors are concerned that the Board might grant the exception without scrutinizing what the use will be and how it will be maintained. He informed that the only available parking would be using the alley as a driveway and placing a parking lot in the back yard. He feels that this application is premature in that there is no specific use. Mr. Freeman does not object to the use of an office on the subject property, but he thinks it should be restricted to: (1) the house that exists on the property, (2) having some sort of screening on both sides, and (3) having some sort of concern and consideration given to the maintenance and the type of parking.

Kathy LaFortune, 2541 South Evanston Avenue, informed there is a big parking problem in the area. She would like the use, if granted, limited to this structure.

Applicant's Rebuttal:

Mr. Collins agreed with the statements of the protestants concerning the restrictions they would like to see put on an approval. He has been told that having a commercial use granted on the property is his best way to go as far as making the property desirable on the real estate market.

Comments:

Mr. Jackere informed that in an earlier case, the Board granted office use to the land on the north of the subject property.

Mr. Smith informed if the applicant sells the property, he will not have any control over what happens to the structure itself. Normally, when the Board hears the cases in this area, the application is made by either a new owner or one who is considering buying the property, and they tell them that it will be kept in its residential character although it will be an office. He informed that there is a lot of OM zoning around the subject property.

Mr. Jackere advised the applicant that the normal procedure is for the buyer of the property to come to the Board to get a specific office use on the property permitted. He can offer the land for office purposes,

Case No. 12924 (continued)

subject to the Board's approval of a specific use.

Mr. Victor feels the application is premature, and he feels the applicant should have a specific use in mind.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1211) to allow office use in an RM-2 District under the provisions of Section 1680, on the following described property:

The North Ten and One-half feet of Lot Eight and all of Lots Nine and Ten, Block Eleven, Stonebraker Heights Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Recorded Plat thereof.

Case No. 12925

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1219 - Request for an exception to permit a dance studio and private club in an IL District - under the provisions of Section 1680, located east of the NE corner of East 51st Street and South Mingo Road.

Presentation:

The applicant, David A. Bagley, Suite 102, 2409 East Skelly Drive, requested that this application be withdrawn and that the fees be refunded.

Protestants:

There were several people present to protest this case, but not the withdrawal.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to withdraw Case No. 12925 and to refund the \$25.00 Public Hearing fee to the applicant.

Case No. 12926

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the frontage requirement from 150' to 0' in a CS District under the provisions of Section 1670, located southwest of 119th East Avenue and Skelly Drive.

Presentation:

D. Leon Ragsdale, 1615 North 24th West Avenue, informed they have owned the 9.33 acre tract for 12 years. They have not been able to market the property because it is too big for any one person to want to buy. They tried to subdivide the property and found that the

Case No. 12926 (continued)

floodplain encompassed a good portion of the property. He described the subject property and the subdivision. There will be a private road with maintenance agreements. This has been submitted to the TAC and approved with certain limitations. The Planning Commission did approve it as well. There will be additional access to the property through the Roadway Inn property. The limitations of the TAC and TMAPC were in reference to some utility locations. He submitted a plat (Exhibit "I-1").

Protestants: None.

Comments:

Mr. Gardner informed that Tract B should be the same as what the map shows. It is the only piece that does not have frontage on a dedicated street. He informed if the Board grants approval, it should be tied to the submitted plat.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the frontage requirement from 150' to 0' in a CS zoned district under the provisions of Section 1670, subject to the approval and filing of the subdivision plat, on the following described property:

Commencing at the SW corner of Lot 27, Block 15, Western Village Second Addition; thence South $49^{\circ}-05'-12''$ West a distance of 491.82'; thence due West a distance of 576.35'; thence South $78^{\circ}-51'-30''$ West a distance of 475.87' to the point of beginning; thence South $78^{\circ}-51'-30''$ West a distance of 297.12'; thence South $11^{\circ}-08'-30''$ East a distance of 447.56'; thence South $89^{\circ}-48'-00''$ East a distance of 163.83'; thence North $49^{\circ}-05'-12''$ East a distance of 237.97'; thence North $40^{\circ}-54'-48''$ West 141.13'; thence North $11^{\circ}-08'-30''$ West a distance of 239.11' to the point of beginning, containing 3.22 acres, more or less.

Case No. 12929

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request for a variance of the side yard setback requirement from 5' to .4' to permit a lot split in an RS-3 Zoned District under the provisions of Section 1670, located east of the SW corner of 13th Street South and 74th East Avenue.

Presentation:

Gerald W. Snow, 800 North Lynn Lane, informed he is requesting this variance because his neighbor built his house on part of Mr. Snow's property. He submitted a plot plan (Exhibit "J-1").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and

Case No. 12929 (continued)

Area Requirements in the RS, RD and RM Districts - under the provisions of Use Unit 1206) of the side yard setback requirement from 5' to .4' to permit a lot split (L-16042) in an RS-3 Zoned District under the provisions of Section 1670, per plot plan, on the following described property:

Lots 2 and 3, Block 12, Eastmoor Park, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

Case No. 12930

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1213 - Request for an exception to permit a home occupation, (beauty shop) in an RS-3 zoned district under the provisions of Section 1680, located east of the NE corner of Garrison Avenue and 26th Place North.

Presentation:

Dickey K. Thompson, informed he already has a room in his house to accommodate the shop. The room will be brought up to beauty shop specifications. They will be open Tuesday through Saturday from 9:00 a.m. until 6:00 p.m. They will handle from 5 to 6 customers a day. There is a double-wide driveway on the subject property that can be used for parking. His house is the second house from the end of the block. There are houses on both sides of him, and the owners of these houses do not object to the application.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1213) to permit a home occupation, (beauty shop), in an RS-3 zoned district under the provisions of Section 1680, for this owner only, with the hours of operation being Tuesday through Saturday from 9:00 a.m. until 6:00 p.m., with a maximum of 6 customers a day, and subject to compliance with the rules of the Home Occupation regulations, on the following described property:

Lot 21, Block 10 of the Resubdivision of Blocks 9, 10, 11, 12, and 13 of Devonshire Place Addition, City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

Case No. 12931

Action Requested:

Special Exception - Section 220 - Height Exceptions - Use Unit 1202 - Request for an exception of the maximum height of 60' to 100' in an RS-3 zoned district under the provisions of Section 1680.

Variance - Section 420.1 - Accessory Uses In Residential Districts - Use Unit 1202 - Request for a variance to permit a wind generator

as the principal use on a residential lot in an RS-3 zoned district under the provisions of Section 1670, located at the NE corner of 29th West Avenue and Brady Street.

Presentation:

Jim Johnson, 128 East 26th Court, represented John Ramsey, his associate, and Philip Hale, his client. He informed that this application is unique in that the subject property has a vacant lot next to it and is located on extremely high ground adjacent to the Cimarron Expressway. The housing in the area is rather low-density. They feel that the issues in this case would be safety, noise, and reliability. They feel the extra space speaks to the issue of safety, and as to the question of noise, this machine is exceptionally quiet because there is no gear box involved. The only noise is the swishing of the blades in the wind. He showed a video tape of a television station's coverage of one of their first installations of the very same machine that the property owner is requesting to put on his property. He submitted 8 pictures of the site which demonstrate its proximity to the expressway (Exhibit "K-1") and described the pictures. They feel that whatever noise there is will be completely masked by the expressway. There is a vacant lot next to the house. This is a corner lot. The guy lines will be triangulated and will each be 65 feet. This machine has a safety factor of two in 120-mile an hour wind. This exceeds the safety factors in PSO's lines. They are planning to put the tower about 2/3rds of the way back on the property in about the middle of the lot. There will be one guy point in the client's back yard. He presented a diagram of where the tower will be located on the lot. The machine and installation are warranted by the manufacturer to be guaranteed up to 120-mile an hour wind for three years. He informed that this machine is directly aimed at residential and small business use. It would be an accessory use for this residence. Their object is to break even with the power company. He submitted a handout (Exhibit "K-2") and a plot plan (Exhibit "K-3").

Protestants: None.

Comments:

Mr. Victor asked if the applicant would have to apply for a building permit and Ms. Hubbard informed that they would have to have a zoning clearance permit. Mr. Jackere informed they would have to get a building permit and an engineering review will be done.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 220 - Height Exceptions - under the provisions of Use Unit 1202) of the maximum height of 60 feet to 100 feet in an RS-3 zoned district under the provisions of Section 1680, and a Variance (Section 420.1 - Accessory Uses In Residential Districts - under the provisions of Use Unit 1202) to permit a wind generator as the principal use on a residential lot in an RS-3 zoned district under the provisions of Section 1670, subject to the approval of a building permit, per plot plan, with a tie contract so that one lot could not be sold without the other unless the generator is removed, on the following described property:

Case No. 12931 (continued)

505' South and 1,230' West of the Northeast corner of the SE/4 of the NW/4 of Section 3, Township 19 North, Range 12 East for the Point of Beginning; thence South 150'; thence West 56.7' to the East line of 29th West Avenue; thence North 150'; thence East 55.9' to the point of Beginning, in the City of Tulsa, Tulsa County, State of Oklahoma.

Special Discussion:

Mr. Smith informed this should not be construed by the applicant to be a precedent-setter because these are unique and the location is of paramount importance. They cannot hope to put one wherever they want.

Case No. 12932

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request for a variance of the rear yard requirement from 20' to 8', and of the required livability space from 4,000 sq. ft. to 3,800 sq. ft. under the provisions of Section 1670, located north of the NW corner of 60th Street South and South Joplin Avenue.

Presentation:

R. G. Warriner, 5866 South Joplin Avenue, submitted a copy of a letter that he sent to the majority of the people surrounding them which informed them of what they were requesting to do (Exhibit "L-1"). They would like to add a two-car garage to the residence. He submitted a petition of people in the area who support this application (Exhibit "L-2"). The architecture of the new addition will be compatible with the rest of the house. The new garage will not be visible from the living areas of the surrounding houses. They have an existing two-car garage that will remain a garage. He is adding the additional garage for security purposes. He informed there are several three-garage homes in the area. He described how he arrived at his figure for the livability space. He submitted a plat (Exhibit "L-3") and a plot plan (Exhibit "L-4").

Protestants: None.

Comments and Questions:

Ms. Hubbard had a question as to how the applicant arrived at his figure for the livability space.

Mr. Gardner informed if the garage was to be detached, the applicant could have gone physically within three feet of the lot line.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-1 (Chappelle, Smith, Victor, "aye"; no "nays"; Wait, "abstaining"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - under the provisions of Use Unit 1206) of the rear yard requirement from 20' to 8 feet, and the required livability space from 4,000 sq. ft. to 3,800 sq. ft., under the provisions of Section 1670, per plot plan, on the following described property:

Case No. 12932 (continued)

Lot 16, Block 12, Park Plaza Addition, an Addition in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

Case No. 12934

Action Requested:

Special Exception - Section 440 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for an exception to permit a mobile home in an RM-1 zoned district under the provisions of Section 1680, located north of the NE corner of Lansing Avenue and Woodrow Avenue.

Presentation:

Bertha Bragge, 2232 North Lansing Avenue, informed there is a house on the lot, but it is not livable. They will remove the house from the property as soon as they can. She informed there is one mobile home in the 2100 block of North Lansing Avenue.

Protestants: None.

Comments:

Mr. Gardner informed if this is approved, it needs to be subject to a one year removal bond and the removal of the existing house.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 440 - Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1209) to permit a mobile home in an RM-1 zoned district under the provisions of Section 1680, for a period of one year with removal bond required, and subject to the removal of the existing house after putting the mobile home on the property and transferring the furniture, the existing house to be removed within 90 days, on the following described property:

Lot 20, Block 3, LeClaire Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

Case No. 12935

Action Requested:

Special Exception - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request for an exception of the floor area ratio of .25 to .40 in an OL zoned district under the provisions of Section 1680.

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request for a variance of the building height from one-story to two stories in an OL zoned district under the provisions of Section 1670, located east of the SE corner of 21st Street and South Lewis Avenue.

Presentation:

Fore Properties was represented by Richard T. Garren, 2442 East 21st Street, who informed that the subject property has three rental properties on it which are not in the best of shape considering the

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location in the neighborhood. He presented some diagrams of the subject property (Exhibit "M-1") and explained them. There are several buildings in the area that are two stories or higher. The property is of an irregular shape. He submitted a site plan and elevation plan (Exhibit "M-2"). The property slopes severely. The project, as it has been designed, utilizes the best part of the property. They are also trying to preserve some very large trees which are on the property. They plan to heavily landscape the property. The parking facilities, ingress and egress, and trash disposal have all been addressed and will be according to the Zoning Code. The integrity of the building is very suitable for the property and the area. They are attempting to utilize a New England Cape Cod or English Colonial type of design--this will be very compatible with the Utica Square area. He also owns the property to the west of the subject property. This has been developed. He submitted 10 pictures of what was done on this property (Exhibit "M-3"). He feels this project will be useful to the neighborhood and will be an enhancement to it. There is a small portion of the property which is in a floodplain area--it is very low-lying. He informed that the property next door to the subject property, as well as some property down the street, has been granted the same kind of exception. Their hardship is the topography of the land. They want to utilize the smallest area of the best part of the tract of land to put the office on. The parts of the land that are not as usable could be utilized for parking facilities. He informed they have moved the structure farther away from the boundary line than is required. They are trying to move away from the residential area. They will screen the side of the property that abuts the residential area. The construction will be residential in character. They are not planning to put a third floor in the attic space. The single-family residences did receive notice. He informed the elevations may change some.

Protestants: None.

Comments:

Mr. Victor informed he has not heard any statements concerning the reason for the two-story use and the hardship. Mr. Garren informed him they could put more on the property in less space and would be able to preserve the trees and provide for more landscaping on the property.

Mr. Gardner informed that across the street to the northeast of the subject property is a two-story office building in an OL District.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-1 (Chappelle, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to approve a Special Exception (Section 630 - Bulk and Area Requirements in the Office Districts - under the provisions of Use Unit 1211) of the floor area ratio of .25 to .40 in an OL zoned district under the provisions of Section 1680, and a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - under the provisions of Use Unit 1211) of the building height from one-story to two stories in an OL zoned district under the provisions of Section 1670, per plot plan and elevations submitted, on the following described property:

Case No. 12935 (continued)

Block 1, Yorktown Square Addition, being a resubdivision of a part of Tracts 30 and 31 of Harters Second Addition, to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12938

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request for a variance of the required setback of 50' to 39' for expansion of an existing building under the provisions of Section 1670, located at the NE corner of 51st Street and Yale Avenue.

Presentation:

Max Tankersly, 4240 South Peoria Avenue, informed they are 89 feet from the centerline and 39 feet from the property line. He submitted a handout (Exhibit "N-1") which is the proposed layout of the shopping center on completion, a rendering of the building that will be out on the corner, and the building that will be in an L-shape to the back. The final page of the handout is the existing structures and current survey. He described their plans for the property. He has reviewed his plans with Ed Crowley to be certain that they have adequate parking. It does meet the requirements for parking. The variance is requested for the Yale side of the property. They will meet the setback requirements on the 51st Street side. He informed that the building on the north end is in line with the adjoining property to the north. They want to add to the east of the existing buildings.

Protestants: None.

Comments:

Mr. Victor informed that all of the construction, as far as its relationship to Yale, is lining up to existing buildings.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the required setback of 50 feet to 39 feet (89 feet from the centerline) for expansion of an existing building under the provisions of Section 1670, per plot plan, on the following described property:

A tract of land, containing 1.8838 acres, that is part of the SW/4 of the SW/4 of the SW/4 of Section 27, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: Starting at the Southwest corner of the SW/4 of said Section 27; thence Easterly along the Southerly line of the SW/4 for 50.00'; thence Northerly and parallel to the Westerly line of the SW/4 for 50.00' to the "POINT OF BEGINNING" of said tract of land; thence continuing Northerly and parallel to the Westerly line of the SW/4 for 288.46'; thence Easterly and parallel to the Southerly line of the SW/4 for 284.47'; thence Southerly and parallel to the Westerly line of the SW/4 for 288.46'; thence Westerly and parallel to the

Case No. 12938 (continued)

Southerly line of the SW/4 for 284.47' to the "POINT OF BEGINNING" of said tract of land.

Case No. 12939

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit a mobile home in an RS-3 zoned district under the provisions of Section 1680, located north of the NE corner of West 47th Street and South 31st West Avenue.

Presentation:

Roy Sullivan, 308 North Xenophon Avenue, informed he would like to put a 28-foot double-wide mobile home on a concrete permanent foundation. He presented pictures of the mobile home and informed that it has eaves on it and has a porch around the front and one side of it. The mobile home will be for his sister to live in so she can be near her mother to take care of her. There is one mobile home about 3 or 4 lots down. The neighbors do not object to this application. This is on City sewer.

Protestants: None.

Comments:


Mr. Smith informed the Board can grant permission for only one year because of the way it is advertised.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1209) to permit a mobile home in an RS-3 zoned district under the provisions of Section 1680, for a period of one year with removal bond required, on the following described property: Lots 3 & 4, Block 9, Carbondale Addition, City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

There being no further business, the Chair adjourned the meeting at 4:13 p.m.

Date Approved _____


Chairman