

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 404
Thursday, January 12, 1984, 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, January 10, 1984, at 11:45 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Smith called the meeting to order at 1:02 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 17, 1983 (No. 400).

UNFINISHED BUSINESS:

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 District under the provisions of Section 1680, located at the SE corner of Xanthus Avenue and Woodrow Street.

Presentation:

The applicant, Oleta Wright Whibbey, 2110 North Xanthus, was not present.

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 continue Case No. 12918 to the February 9, 1984, meeting.

Case No. 12923

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 District under the provisions of Section 1670, located south of the SE corner of Atlanta Avenue and Marshall Street.

Presentation:

F. D. Hettinger, 320 South Boston Avenue, Suite 1300, represented the University of Tulsa. He informed that the University would like to not be required to put a building over the hole they are drilling on their campus. Their hardship is the fact that the building would be ugly because it would have to be designed to enclose a drill rig and it would be expensive and unnecessary. The building would have to have an odd shape because from time to time it will be necessary to change the tubing in the hole. This process requires a workover rig. He informed that at the previous meeting, the main objection was that of the noise. Since that time Professor Blaze made a study of noise levels and possible locations for the above ground installations (compressors and pumps) which would be used in connection with the hole. These items would be located more than 300 feet from a residential area. His study showed that the pumps and compressors would make a noticeable noise difference in the area. Therefore, they have decided to enclose those items in a building located behind a house on the subject property. The only thing showing at the surface at the hole will be a Christmas tree. After the study, they met with the interested neighbors and went over the entire project with them. He feels that they satisfactorily answered the neighbors' questions about their concerns with the project. He informed that one of the concerns of the neighbors was that they were testing pumps. That is what they test, but they do not test them for durability--they will not be running all the time. He feels that a restriction that would be acceptable to everybody would be that the installation would be run only during business hours--8:00 a.m. to 5:00 p.m., no holidays or weekends. He also informed that it would be acceptable to them to have the tubing changed out no more than 5 times a year (later changed to 10) and no more than two times a month. They also agreed that they would try to find electric motors to use.

Protestants:

Richard Carver, 2503 East Marshall Street, feels that they have come to an agreement with the applicant and will try to be good neighbors. They would like to have the letter written on January 12, 1984, (Exhibit "A-1") put in as part of the record--it contains conditions that the neighbors would like to have placed on this as part of the approval.

Applicant's Rebuttal:

He informed that the neighbors do not want the noise level above 5 decibels on the "A" scale above the background noise. He described the conditions in the letter.

Comments:

Mr. Gardner informed the letter would be filed as an exhibit.

There was discussion about how often the tubing would need to be changed.

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";

Case No. 12923 (continued)

Purser, "absent") to approve a Variance (Section 1225.3 (a) - Light Manufacturing and Industry Use Conditions - under the provisions of Use Unit 1225) of the requirement to conduct proposed drilling research operations within enclosed buildings to eliminate the enclosure requirement in an IM District under the provisions of Section 1670, subject to the following conditions: (1) That the noise level will be no greater than 5 decibels on the "A" scale above the background noise in the area, (2) that generators and motors will be enclosed in a building, (3) that testing operation of the equipment (after drilling) will be between the hours of 8:00 a.m. to 6:00 p.m., no weekends or holidays, (4) that tubing changes be made no more than 10 times a year, not to exceed two times in any one month, and (5) that the letter dated January 12, 1984, be made a part of the record, on the following described property:

Lots 3 and 4, Block 4, Sequoyah Place Addition to the City of Tulsa, Tulsa County, 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 frontage of 0', 146', and 79', respectively, to permit a lot split in an IL 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.

Comments:

Mr. Jones informed this lot split was tabled at the Planning Commission meeting, and they have not reheard it yet.

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 continue Case No. 12933 to the January 26, 1984, meeting.

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 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, 7213 South Memorial Drive. He informed that he is the property owner.

Case No. 12940 (continued)

He informed that he checked the original zoning, and it was changed from CS to OL with a recommendation to the Board of Adjustment to give them the building permits to convert the station to their convenience store. He informed that the gasoline islands that are on the property are the same ones that were there as a service station. They would like a canopy to cover their gasoline islands. He informed that their original application was for two canopies, but this application is for just one canopy on the Yale side. He submitted the original plat of the old gasoline islands (Exhibit "B-1"). The canopy will be 24' by 24'. It will provide their customers adequate lighting and protection from the weather. He thinks the size of the canopies requested before were 20' by 24'. He informed that a 24' by 24' canopy is the smallest size that will adequately cover the pumps and the cars. He informed that they would be agreeable to a removal clause in the event that the intersection was widened. He informed that this will be a one-post canopy. There will not be any signs on the canopy and the lights will be underneath it. He informed that this is important for their business since it is self-service.

Protestants: None.

Comments:

Mr. Victor informed he went out to view the site, and in his opinion the construction of a canopy there will be too close to the street. He informed that the gas pump itself is closer to the street than the small house to the north. He informed that he could not support this application.

Mr. Gardner informed that whether this is zoned CS or OL, it still requires a variance of the 60' structure setback. The Board needs to look at reasons other than what the property is zoned in making their decision. This is a commercial use.

Mr. Chappelle made a motion for approval of this application, but this motion died for the lack of a second.

Board Action:

On MOTION of VICTOR and SECOND by WAIT, the Board voted 3-1-0 (Smith, Victor, Wait, "aye"; Chappelle, "nay"; no "abstentions"; Purser, "absent") to DENY a Variance (Section 280 - Structure Setback from Abutting Streets - under the provisions of Use Unit 1217) of the setback requirement from 60' to 27' for a gasoline canopy in an OL District under the provisions of Section 1670, on the following described property:

Lot 1 and the North 95.1' of Lot 2, Block 1, Kendall View Addition to the City of Tulsa, Tulsa County, State of Oklahoma, as to the Recorded Plat thereof.

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

Case No. 12952 (continued)

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, informed this is part of a three lot development and is a nonconforming lot. The lot has an 80-foot frontage. He informed that the lot is in an expensive area of town and they are planning to build a large house on it. He submitted a site plan (Exhibit "C-1") and informed that this will be the second of the three houses to be built. He described the proposal and informed that this is the smallest lot of the three. He informed that the hardship is the value of the property. If the house is reduced to fit on the property, it would be too expensive per foot to expect to sell. He informed the proposed structure is approximately 3,400 square feet and the first house built in the development is about 3,200 square feet.

Protestants: None.

Comments:

Mr. Victor informed that the hardship was brought on by the people who split the lot.

Mr. Gardner informed that they can get a suitable house on the lot, but they cannot meet the livability space. He informed that the lot split was approved for an RS-2 sized lot. They will exceed the livability space for RS-2, but they cannot meet RS-1. The hardship would be the size of the lot. He informed that Mr. Roberts bought the lot to build the house on. They didn't ask for a variance of livability when they split the lot because they had no idea what size the house might be. He informed that it is only logical that he would have to come and ask for this relief because of the size of the lot.

Mr. Gardner informed he felt that the additional 1,000 square feet of house would bring more value to the neighborhood than an additional 1,000 square feet of open space. He does not feel that this would overcrowd the lot.

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 Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the livability space from 7,000 sq. ft. to 6,000 sq. ft. in an RS-1 District under the provisions of Section 1670, per plot plan, on the following described property:

A tract of land, containing 0.2331 acre, that is part of Lot 2, in Block 1, of "Thomas Heights Addition", and part of Lots 3 and 4, in Block 5, of "Woody Crest Subdivision", the City of Tulsa, Tulsa County, Oklahoma, Said tract of land being described as follows, to wit: "Beginning at a Point", Said point being the Southeast corner of Lot 2 in Block 1 of "THOMAS HEIGHTS ADDITION", thence Northerly along the Easterly line of Lot 2, and the Easterly line of Lots 3 and 4, Block 5 of "Woody Crest

Case No. 12952 (continued)

Subdivision" for 126.96'; thence Westerly and parallel to the Southerly line of Said Lot 2 for 80.00'; thence Southerly and parallel to the Easterly line of Lot 2 for 126.96' to a point on the Southerly line of Lot 2; thence Easterly along the Southerly line of Lot 2 for 80.00' to the "Point of Beginning" of Said tract of land.

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 District under the provisions of Section 1670, located at the SE corner of 37th West Avenue and West Skelly Drive.

Presentation:

George T. Hill, 1743 East 59th Place, was represented by Ken Cox, 4100 Bank of Oklahoma Tower. He informed that they would like to amend the application from a Use Unit 23 to a Use Unit 15. This would change this application from a Variance to a Special Exception. He informed that more property was advertised than needed to be which caused some problem with the legal description. They would like to amend their legal to delete the south 42.33 feet of the property. He described the problem they had with the legal description when the zoning application for this property was heard by the Planning Commission. He feels that the property can be interpreted to include all CS zoning. He informed the proposed buyer is a mechanical contractor. His work does not involve any heavy machinery and there will be no outside storage. The metal he uses is delivered once a month and is stored within the facility. He has a maximum of four employees and three service trucks. They would ask that this use variance be approved, subject to him coming back to present a plot plan showing the exact location of the building, parking, etc. He pointed out that since they have deleted the south 42.33 feet of the property, the property no longer abuts an RS District; therefore, the screening requirement on the south boundary of the property would no longer be required. He submitted 7 pictures of the subject property and the surrounding area (Exhibit "D-1"). He informed that the east side will be screened. The tract size will be 166' x 84'. The proposed building will be approximately 40' x 70'--2,800 sq. ft. He informed there is an existing drive access onto 37th Street, and he would like to have an access point or two onto the service road. He informed that this area is designated medium intensity commercial use. He described the surrounding zoning.

Comments:

Mr. Gardner informed that the applicant filed a three-part legal description with the Planning Commission. When this was typed, it was all run together which may give it a different meaning. He thinks the legal description could be read two different ways. The three parts were run together as if it were one paragraph. The Planning Commission and the City Commission knew that they were zoning a piece of property that abutted the expressway service road. The map was never corrected until recently. If the Board has the power to interpret that the legal description is three separate pieces of property, then all of the property technically is zoned

Case No. 12955 (continued)

CS and they have the power to grant the exception for Use Unit 15. If they determine that there is some confusion there, they do have the power to grant him a variance and assume that part of it is CS and part of it is still RS, but was intended that all the property requested be zoned CS. He feels that either the Board needs to make an interpretation that the legal description is three separate pieces of property and is all zoned commercial, or possibly the legal description needs to be republished again in a little different format so that there is no misunderstanding about what was intended. He informed the notice was correct, but the ordinance can be interpreted two ways.

Mr. Gardner informed that the Staff's concern is that everything be enclosed--no outside storage or work.

Mr. Jackere informed he has not seen the legal description; however, the ordinance publishing the zoning gives this legal description, and when the hearings were conducted before both of the zoning bodies, they were under the impression that it encompassed all of the owner's property to the expressway. He is satisfied that all the bodies that reviewed this thought that they were zoning what the applicant has before the Board today.

Mr. Gardner informed they would probably make a recommendation to the Legal Department to republish the ordinance again if necessary.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1215) to permit a warehouse/office in a CS District (interpreted entire tract zoned CS) under the provisions of Section 1670, with the condition that there be no outside storage and that the only screening requirement be to the east, and to delete the south 42 feet from the application, on the following described property:

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

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

MINOR VARIANCES AND EXCEPTIONS

Case No. 12962

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 feet to 18 feet in an RS-3 District under the provisions of Section 1670, located at the NE corner of 68th Street and South 109th East Avenue.

Presentation:

Hank Moore, 7230 East 65th Street, informed they are planning to build a custom home on the lot, and the design of the home necessitates a reduction in the rear yard requirement for about 50 percent of the rear length of the house. This is a corner lot. He submitted a site plan (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 rear yard requirement from 20 feet to 18 feet in an RS-3 District under the provisions of Section 1670, per plot plan, on the following described property:

Lot 11, Block 4, Southbrook II Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS:

Case No. 12953

Action Requested:

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

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for an exception to permit a mobile home in an RS-3 District under the provisions of Section 1670.

Variance - Section 440 (6) (a) - Special Exception Use in Residential Districts, Requirements - Request for a variance of the maximum one year period for a mobile home dwelling in an RS-3 District, located north of the NW corner of 54th Street North and Utica Avenue.

Presentation:

Danny L. Deboes, 4845 North Garrison Place, informed he is in the process of purchasing the subject property providing that he can put a mobile home on it. He is not sure that they will put a mobile home on the property, but they would like to be able to if they decide to. There is one mobile home about a quarter of a mile west of the subject property. There are also some on the north side of 56th Street.

Case No. 12953 (continued)

Protestants:

A Petition of Protest was submitted (Exhibit "F-1").

Dwight Hodges, 1572 East 54th Street North, informed the people in the area are opposed to the placing of a mobile home on the subject property. He informed that many residents in this neighborhood have occupied their permanent homes for as long as 27 years. They believe a mobile home would detract from the neighborhood and would decrease the values of their properties. He does not feel that a mobile home is in harmony with the surrounding homes. He is concerned because the subject property is not on the City Sewer System. They are afraid the septic system could cause sewage and health problems because of overloading. They do not think that enough information has been given to protect the neighbors from future placing of mobile homes. They do not believe a mobile home is compatible with their permanent residences, and they do not believe it should be placed on the subject property for any length of time.

Applicant's Rebuttal:

Mr. Deboes informed that the mobile home would be a double-wide, not a single.

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 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1206 and 1209) to permit two dwelling units (one existing residence and one proposed mobile home) in an RS-3 District under the provisions of Section 1670, a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit a mobile home in an RS-3 District under the provisions of Section 1670, and a Variance (Section 440 (6) (a) - Special Exception Use in Residential Districts, Requirements) of the maximum one year period for a mobile home dwelling in an RS-3 District, on the following described property:

Lot 2, Block 4, Grimes Heights Second Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12954

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1214 - Request for a variance to permit a business (bee farmer) in an RS-1 District under the provisions of Section 1670.

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1214 - Request for a variance to permit a detached accessory building on a lot of its own as the principal use in an RS-1 District under the provisions of Section 1670.

Variance - Section 240.2 (e) - Yards - Permitted Yard Obstructions - Use Unit 1214 - Request for a variance of the allowed 750 sq. ft. of detached accessory building to 1,200 sq. ft. in an RS-1 District

Case No. 12954 (continued)

located 1/2 mile east of the NE corner of 21st Street and 177th East Avenue.

Presentation:

Carl Larry Russell, 120 South 162nd East Avenue, informed they would like to have a larger building because they own 10 acres--660 feet by 660 feet. There is one house that their property abuts, and that is the only house on 21st Street in that area. Their bee equipment requires a larger building than a 750-foot building. They want to be able to sell their honey from the building. Their percolation test has been accepted by the City. They have ample area available for parking. This is only a seasonal business. They will not have more than ten bee hives on this location. Part of the business will be inside, but there will be some work done on the outside as well. He informed they would have one or two customers a week stop by for honey. They do not have a large flow of customers. It would be hard for them to conduct the sales elsewhere. He informed he wholesales to the public and to stores. They would like to have a sign, but it is not necessary. He informed that they have not extracted any honey at this location.

Protestants: None.

Comments:

Mr. Gardner informed the Staff was concerned with how close this resembles an agricultural operation versus how much it resembles just a retail-type business. He is not in an area to get commercial zoning, but he is next to AG zoning on two sides. If it was a farming-type operation, then the Staff doesn't have much problem with it. If he is turning it into a commercial enterprise where it is a commercial building and retail sales, then he needs to show some kind of hardship.

Mr. Victor informed he feels this is too commercial for RS-1 zoning. If there was some way he could do it without the sales, he might look more favorably on it.

Mr. Smith informed he is not sure the area should be zoned RS-1.

Board Action:

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 a Variance (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1214) to permit a business (bee farmer) in an RS-1 District under the provisions of Section 1670, a Variance (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1214) to permit a detached accessory building on a lot of its own as the principal use in an RS-1 District under the provisions of Section 1670, and a Variance (Section 240.2 (e) - Yards - Permitted Yard Obstructions - under the provisions of Use Unit 1214) of the allowed 750 sq. ft. of detached accessory building to 1,200 sq. ft. in an RS-1 District, on the following described property:

Case No. 12954 (continued)

The Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 12, Township 19 North, Range 14 East, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12956

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214 - Request for a variance of the setback requirement from centerline of 31st Street from 100 feet to 40 feet in a CS District under the provisions of Section 1670, located east of the NE corner of 31st Street and Jamestown Avenue.

Presentation:

The applicant, Frank D. Moskowitz, P. O. Box 2875, requested by letter (Exhibit "G-1") that this case be continued to the January 26, 1984, meeting.

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 continue Case No. 12956 to the January 26, 1984, meeting.

Case No. 12957

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 District under the provisions of Section 1680, located east of the SE corner of 36th Place and Galveston Avenue.

Presentation:

Michael A. Cantu, 1929 East Marshall Street, informed he would like to put a mobile home on the subject property. There is one mobile home directly across the street to the northwest corner of the property. His mobile home is single-wide and will be on septic tank. There was a house on the property at one time. He will be living in the mobile home.

Protestants: None.

Comments:

Mr. Gardner informed the Board has granted mobile home usage in this area. In one instance, they allowed an individual to have 3 mobile homes on three separate lots.

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 District under the provisions of Section 1680, for a period of one

Case No. 12957 (continued)

year with removal bond required, and subject to Health Department approval, on the following described property:

The North 165 feet of Lot 11, Block 2, Garden City Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12958

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit a mobile home in an RM-2 District under the provisions of Section 1680.

Variance - Section 440 (6) (a) - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for a variance of the time limitation from one year to indefinitely in an RM-2 District under the provisions of Section 1670, located west of the NW corner of Sheridan Road and Oklahoma Place.

Presentation:

The applicant, Peggy W. Winters, 6307 East Oklahoma Place, requested by letter (Exhibit "H-1") that this case be withdrawn and that her fees be refunded.

Protestants: None.

Comments:

Mr. Gardner informed that all the work has been conducted by the Staff except the public hearing which is a \$25.00 fee.

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 withdraw Case No. 12958 and to refund \$25.00 to the applicant.

Case No. 12959

Action Requested:

Variance - Section 240.2 (e) - Yards - Permitted Yard Obstructions - Use Unit 1206 - Request for a variance to allow 750 sq. ft. of detached accessory building to 950 sq. ft. to allow for the construction of a pool house in an RS-1 District under the provisions of Section 1670.

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1206 - Request for a variance to allow a non-accessory use (pool house without pool at present time) in an RS-1 District under the provisions of Section 1670.

Variance-Section 208 - One Single-Family Dwelling Per Lot of Record- Request for a variance to allow two dwelling units per lot of record, located north of the NE corner of 67th Street and Evanston Circle.

Case No. 12959 (continued)

Presentation:

John Woolman, 2411 East Skelly Drive, informed he is a building contractor. He informed that the pool is presently also approved for a building permit and will be built by the landscape architects. There will be a pool and a pool house. He submitted a plot plan (Exhibit "I-1") and a Landscape Design Plan (Exhibit "I-2"). He informed that the pool house will be constructed first due to the location of the pool. The pool and the pool house are supposed to be completed by summer. He described the property and their plans.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 240.2 (e) - Yards - Permitted Yard Obstructions - Under the provisions of Use Unit 1206) to increase the detached accessory building from 750 sq. ft. to 950 sq. ft. to allow for the construction of a pool house in an RS-1 District under the provisions of Section 1670, a Variance (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1206) to allow a non-accessory use (pool house without pool at present time) in an RS-1 District under the provisions of Section 1670, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwelling units per lot of record, per plot plan, on the following described property:

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

Case No. 12960

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for a special exception to permit an automatic car wash in a CS District under the provisions of Section 1680, located south of the SW corner of 71st Street and South 69th East Avenue.

Presentation:

Pamela Higgins, 3402 South Winston Avenue, represented the buyers of the subject property.

Paul Welch, 110 Lee, Lawton, Oklahoma, informed he has two car washes in Lawton and one in Wichita Falls, Texas. They are proposing to construct an automatic tunnel-type car wash. He described how the business will operate. He informed that this location is desirable to them because it is off of a major intersection. He submitted a plot plan (Exhibit "J-1") and described the surrounding area. He informed their operation would employ approximately 18 people. The project will be about a \$600,000 investment. The hours of operation would be Monday through Saturday from 8:30 a.m. to 5:30 or 6:00 p.m., depending on the season. There will be no night operation at all. This will be a quality car wash. There is only one other full-service tunnel car wash in this community. He informed that the entry and exit would probably be primarily on 69th Street. There is an access

Case No. 12960 (continued)

road as part of the property that goes around the savings and loan company and goes to Sheridan Road. There would not be much traffic coming in from that way, but it is possible to get through there. He informed they have not come up with a sign design at the present. They would comply with whatever the regulations are on signage in the area. The sign would be compatible with the neighborhood. He informed it is his understanding that there are building covenants that say the design would have to be of a colonial style, and they would comply with that. The building would be about 12 feet high. He submitted floor plans (Exhibit "J-2"). He informed there is some screening on the property now that needs to be brought up to standards. He informed that cleanliness is their standard and it would be kept neat. They are hoping to have between 200 and 300 cars per day on an average. He described the business volumes at the other car wash locations. He informed that they feel there is good stacking space at this location--there are four lanes.

Protestants:

Mrs. Robert Burkman, 6818 East 73rd Street South, informed she lives within 300 feet of the subject property. The people in the area are very concerned about this application. She would like this to be continued so the people in the area can get together and learn about the proposed car wash. She told of several of the concerns of the area residents. These concerns are: (1) the traffic the car wash will add to the area; (2) the water that would come from the car wash; (3) there is a school bus stop at this intersection; (4) the access road which allows access to Sheridan goes directly behind a residential area--through traffic is illegal. She submitted pictures of the area (Exhibit "J-3"). She submitted a petition signed by the people in the immediate area of the subject property who object to this type of an exception.

Andrew Bixler, 7301 South 70th East Avenue, informed he is the Kirkdale representative on the Southeast Tulsa Homeowners Board of Directors. He also requested that this be continued so the people in the area can be informed on the matter.

Comments:

Mr. Gardner informed that any place the ordinance requires screening, if it is not separated by at least an arterial street, would have to be screened. They would need screening on the eastern boundary because there is a residence across the street to the east.

Mr. Victor informed he is not sure they will have enough stacking space on the property.

Mr. Victor informed due to the depth of the CS property into the residential area, he could not support 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 DENY a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1217) to permit an automatic car wash in a CS District under the provisions of Section 1680, on the following described property:

1.12.84:404(14)

Case No. 12960 (continued)

All that part of Lot 2, Block 2, Kirkdale Commercial Center, Block two, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows:

Beginning at the Southeast corner of Said Lot 2, Block 2; thence due West along the common boundary of Said Lot 2, and Kirkdale, an Addition in Tulsa, Tulsa County, Oklahoma, a distance of 206.0 feet; thence South $72^{\circ}-32'-47''$ West along the common boundary of Said Lot 2 and Kirkdale, a distance of 23.18 feet; thence North $00^{\circ}-02'-41''$ West a distance of 267.77 feet to a point, which point is the Southwest corner of Lot 1 of Block 2; thence due East along the common boundary of Lot 1 and Said Lot 2, a distance of 175.36 feet to a point on the Westerly right-of-way line of South 69th East Avenue; thence along the common boundary of Said Lot 2 and the Westerly right-of-way line of South 69th East Avenue, South $17^{\circ}-21'-15''$ East a distance of 95.15 feet; thence on a curve to the right having a radius of 525.0 feet a distance of 142.44 feet; thence South $01^{\circ}-48'-31''$ East a distance of 30.01 feet to a point of beginning.

Case No. 12961

Action Requested:

Special Exception - Section 420.1 - Accessory Uses In Residential Districts - Accessory Uses Permitted - Use Unit 1206 - Request for an exception for a home occupation to permit a beauty shop in an RS-1 District under the provisions of Section 1680, located east of the SE corner of Sheridan and 25th Place.

Presentation:

Clyde Box, 6560 East 25th Place, informed his wife has been a beautician for 25 years. She owns a beauty shop now, but she is being forced out of the building that she is now renting. They are looking for another location, but if they cannot find a place, she will retire and work part-time out of her garage. He informed they have lived on the subject tract for 18 years. Their lot consists of 1 & 1/4 acres and is 155 feet wide by approximately 300 feet long. There is 62 feet from the side of their garage to the house next to it. He informed they have a two-car garage and would like to use a small area of it for the beauty shop. He described how the shop would be set up. He informed there would not be any street parking. Their driveway is 24 feet wide.

Protestants:

Charles Bradley, 6715 East 24th Street, submitted 2 written protests from people who could not be at the meeting (Exhibit "K-1"). He informed that if granted, this would be the first exception ever granted in the 30-year history of Johansen Acres. This is a residential area and they have maintained and improved it as a residential area. He is concerned that this would set a precedent in the area. They would like to keep the residential character of this neighborhood.

Betty Wheaten, 6715 East 25th Place, informed she has lived in the area for 30 years. She informed that an exception was asked for

Case No. 12961 (continued)

in 1982, but the applicant withdrew. They do not want any exceptions ever granted.

Don Rudy, 6559 East 25th Place, informed he lives across the street from the Boxes. He informed the applicants have a very beautiful house and he would hate to see the traffic coming in and out for a commercial venture.

Ronald Starns, 7315 East 24th Street, informed he has lived in the area 3 years. He moved to the area because he liked the neighborhood. He informed that most of the people in the area are against changes coming in. He is concerned that this could set a precedent.

John Von Gonten, 6548 East 25th Place, lives west of the property in question and he will have to look out his window at any changes that are made. He informed the Boxes are excellent neighbors, but he does not want to see any changes made in the area.

Judith Ann Davis, 7350 East 24th Street, informed there are three schools located in the vicinity of the property and there are a lot of children up and down the streets, especially before and after school and during the summer. She is concerned that this will set a precedent. If businesses are allowed, they will bring in more traffic and will be hazardous to the children.

H. W. Mosley, 7360 East 25th Place, has lived in the area for 27 years. They feel that any encroachment upon their privacy in the area should be denied. He would like them to find another place to operate from.

Applicant's Rebuttal:

Mr. Box told the rules for a home occupation. He does not feel that the business would be noticed because they would follow these rules.

Comments:

Mr. Smith informed that the Board cannot consider the covenants because they are private agreements between the property owners.

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 420.1 - Accessory Uses in Residential Districts - under the provisions of Use Unit 1206) for a home occupation to permit a beauty shop in an RS-1 District under the provisions of Section 1680, on the following described property:

Lot 4, Block 5, Johansen Acres and the North 40 feet of the vacated portion of 26th Street of the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12963

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 in an RS-3 District under the provisions of Section

Case No. 12963 (continued)

1680, located south of the SW corner of 29th Street and South Garnett Road.

Presentation:

Earnest Young, Rt. 3, Box 380, is the associate minister of the Garnett Assembly of God. They feel the day care center would be an advantage to the neighborhood. It will be located in their old building. He submitted a plot plan (Exhibit "L-1") and informed that they have applied for a waiver of the plat which was to be heard by the T.A.C. at the same time as this meeting. They can at the present time be licensed by the State Board for 49 children. With the facilities and the square footage involved, after their corrections are made for the Health Department and Fire Department, etc., they can be licensed for at least 94 children.

Protestants: None.

Comments:

Mr. Gardner informed that exception uses require either a plat, replat, or waiver of plat by the TMAPC.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1205) to permit a day care center in an RS-3 District under the provisions of Section 1680, per plot plan, (TMAPC requires platting or waiver), on the following described property:

All that part of the SE/4 of Section 18, Township 19 North, Range 14 East, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit:

Beginning at a point in the East boundary of Said SE/4, Said point being 120.00 feet South of the Southeast corner of VALLEY GELN ADDITION, an Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence due West and parallel to and 120.00 feet South of the South boundary of Said VALLEY GELN ADDITION, a distance of 483.09 feet; thence due South 590.83 feet to a point in the Northwesterly boundary of Lot One (1), Block One (1), of VALLEY GLEN CENTER, AN addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence North 59°-00'-00" East along the Northwesterly boundary of said Lot One (1), Block One (1), a distance of 19.34 feet to a point of curve of said Northwesterly boundary; thence North 59°-00'-00" East along the projection of Said Northwesterly boundary, a distance of 113.33 feet; thence due East and parallel to the South boundary of Said SE/4, a distance of 368.50 feet to a point in the East boundary of Said SE/4, 500 feet North of the Southeast corner thereof; thence North 0°-05'-45" East along the East boundary of Said SE/4, a distance of 522.50 feet to the point of beginning, containing 5.88 Acres, more or less, exception and reserving a storm sewer easement covering the West 15 feet thereof.

Case No. 12964

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214 - Request for a variance of the setback from the centerline of South Lewis Avenue from 100' to 70' in a CS District under the provisions of Section 1670, located at the NW corner of 2nd Street and South Lewis Avenue.

Presentation:

Robert L. Curtis, 5931 East Admiral Place, informed he would like this setback so he can build a commercial building which will house between 3 to 5 offices. They do not know the exact size of the building at this time. He informed that there is nothing on the subject property at this time. There are buildings in the area that are a lot closer to the street than the proposed building will be. On one side of them is a building with a 34-foot setback, and on the other side of them is a building with a 10-foot setback. He informed the proposed building will be 1-story high. The access will be off of Lewis Avenue. He submitted a plot plan (Exhibit "M-1").

Protestant:

Alvin B. Williams, 2313 East 2nd Street, informed he owns the property west of the subject property. His property is rental property-- it has a duplex on it. He wondered what was going to be built on the subject property and how big it was going to be. He would like to have a privacy fence between the two properties. He informed he does not object to the application.

Comments:

Mr. Smith informed the protestant that his duplex is in a commercial district, and in a commercial district a person is not required to put up a fence. He also pointed out that the plot plan shows the building will be approximately 65' by 135'.

Mr. Victor informed the protestant that the relief the applicant is asking for is toward Lewis Avenue, not toward his property.

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 - under the provisions of Use Unit 1214) of the setback from the centerline of South Lewis Avenue from 100 feet to 70 feet to build an office in a CS District under the provisions of Section 1670, per plot plan, on the following described property:

Lots 11 and 12, Block 11, Wakefield Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12965

Action Requested:

Variance - Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1206 - Request for a variance to permit construction of caretaker's quarters in an RS-1 District under the provisions of Section 1670.

Case No. 12965 (continued)

Variance - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request for a variance of the accessory buildings maximum square footage from 700 to 900 in an RS-1 District under the provisions of Section 1670.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1206 - Request for a variance to permit two dwellings per lot of record in an RS-1 District under the provisions of Section 1670, located north of the NE corner of 31st Street and South Columbia Place.

Presentation:

Charles Norman, 909 Kennedy Building, submitted a Site Plan (Exhibit "N-1") and informed the tract contains 2 & 1/2 acres. The property has over 270 feet of frontage on Columbia and is almost 400 feet in depth. He informed the principal residence is quite large and the owners of the house are out of town a lot, and they would like to have a full-time resident caretaker on the property. He submitted 9 pictures of the property (Exhibit "N-2"). He informed that this kind of use has been traditionally permitted as an accessory use to a principal residence. He thinks this could be classified as a customary accessory use as long as it is limited to that purpose. He described the surrounding property and informed the neighbors do not object to this proposal. He presented large pictures of how the property will look.

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 420 - Accessory Uses Permitted in Residential Districts - under the provisions of Use Unit 1206) to permit construction of caretaker's quarters in an RS-1 District under the provisions of Section 1670, a Variance (Section 240.2 - Permitted Yard Obstructions - under the provisions of Use Unit 1206) of the accessory buildings maximum square footage from 700 to 900 in an RS-1 District under the provisions of Section 1670, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1206) to permit two dwellings per lot of record in an RS-1 District under the provisions of Section 1670, per plot plan, on the following described property:

Lot 6, Block 5, Woody Crest Subdivision, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12966

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1205 - Request for an exception for an existing Church in an AG District under the provisions of Section 1680.

Variance - Section 1340 - Design Standards for Off-Street Parking Areas - Use Unit 1205 - Request for a variance of the off-street parking areas from an all-weather material to gravel - under the

Case No. 12966 (continued)

provisions of Section 1670, located north of the NE corner of 41st Street North and North Mingo Road.

Presentation:

Jack Foshie, 9315 East 41st Street North, was represented by Ray Martin, 4317 North Mingo Road, who is the pastor of the Mingo Baptist Church. He submitted a plot plan (Exhibit "0-1") and informed he was told they could receive permission to have a Church on the subject property through a "grandfather clause". The Church has been on the property since 1945, and the existing building has been there since 1954. They would like to place two portable buildings on the property to use as classroom space. He presented a picture of the building. The portable buildings will be for temporary use. He informed that the whole piece of property is graveled and is used for parking. They would like to place the building on part of the parking space. He informed the plan to asphalt the parking lot next year providing they do not have to move. They are in a proposed runway. They are expecting to be at their present location for a maximum of three years.

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 310 - Principal Uses Permitted in the Agriculture District - under the provisions of Use Unit 1205) for an existing Church in an AG District under the provisions of Section 1680, and a Variance (Section 1340 - Design Standards for Off-Street Parking Areas - under the provisions of Use Unit 1205) of the off-street parking areas from an all-weather material to gravel - under the provisions of Section 1670, with the variance being granted for a period of three years, on the following described property:

All that part of the S/2 of the S/2 of Lot 1, Section 18, Township 20 North, Range 14 East, of the Indian Base and Meridian, more particularly described as follows, to wit: Beginning at a point 100.00 feet North of the Southwest corner of Said Lot 1; thence East 206.0 feet; thence North 230.0 feet, more or less, to the North line of the S/2 of the S/2 of Said Lot 1; thence West 206.0 feet to the West line of Said Lot 1; thence South 230.0 feet, more or less, to the point of beginning, in Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Case No. 12967

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request for an exception to permit public parking on a lot maintained by Brookside State Bank for employee parking in an RS-3 District under the provisions of Section 1680, located east of the SE corner of 33rd Street and South Peoria Avenue.

Presentation:

INCOG, 707 South Houston Avenue, was represented by Rich Brierre, 707 South Houston Avenue. He informed this application is being submitted with the property owner's consent. This application is to remove a condition that was attached by the Board of Adjustment when the Board approved employee parking on the property in October, 1969. He informed that recently the TMAPC, the City Commission, and the County Commission have adopted a Comprehensive Plan Amendment that identifies a special consideration area in the Brookside area from 32nd Place to 38th Street. He submitted a map showing the special consideration area (Exhibit "P-1"). The special consideration area runs about one-half a block deep on both sides of Peoria. He informed that the subject property is within the special consideration area. The policies that were adopted for the special consideration area encourage parking lots adjacent to existing parking lots or existing commercial property. The Board granted an exception in 1969 to permit off-street parking, subject to this lot being maintained solely for the employees of the Brookside State Bank and subject to the Board's parking development standards. They are requesting that the restriction limiting this lot to employee parking only be removed. They believe this change is necessary in view of the changes in the Brookside area that have taken place during the last 15 years. The Brookside Special Study which was recently completed identified a need for 200 additional parking places in this area, and this action would remove a legal impediment that would prevent the property owner from allowing an existing surface parking lot to be used to help meet part of the parking need. It is strictly understood that, if this action is approved, that the owner of the property, Brookside State Bank, would have the prerogative of opening up the parking lot or not. This fact is verified in a letter from the bank (Exhibit "P-2"). He informed this application was filed at the request of the Tulsa Metropolitan Area Planning Commission.

Protestant:

Dorothy Averyt, 1339 East 33rd Street, submitted a petition signed by all of the residents on the 1300 block (Exhibit "P-3"). She informed that in the past, they were assured that there would be no public parking lots facing residences. This parking lot will face the residences. She informed the only reason they have been able to tolerate a parking lot across the street from the residences is the fact that the bank employees are not there in the evening or on weekends. She informed that the streets are narrow and the homes sit pretty close to the street. She was concerned with the lights that will be flashing into the bedrooms of the homes at night. She informed she lives on lot 8.

Applicant's Rebuttal:

Mr. Brierre informed the special study identified the need for additional parking in the area. It also indentified a boundary for how deep that parking should go into the residential areas. One of the recommendations of the study was to use to the maximum extent existing parking lots through agreements with day businesses and evening clubs and restaurants. The purpose of this application is to try to use an existing facility and to remove a legal impediment that prevents the owner of the bank from opening up the lot at the present time. This is one step that is being taken to address the parking problem in the area.

Case No. 12967 (continued)

Comments:

Mr. Gardner informed that the purpose of this application is to get a parking lot that can be used to get the cars off the street. He stated that if the Board does not let them park after hours and they are later prohibited from parking on the street, there is still the problem of nowhere to park. The purpose of the study was to try to find areas that could be used to accommodate the after-hours parking problem.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-1-0 (Chappelle, Smith, Victor, "aye"; Wait, "nay"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1210) to permit public parking on a lot maintained by Brookside State Bank for employee parking in an RS-3 District under the provisions of Section 1680, on the following described property:

Lot 6, Block 1, Oliver Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12974

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1212 - Request for a variance of the required 10' setback from an abutting "R" District to allow building over a zoning line under the provisions of Section 1670.

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1212 - Request for a variance of the required 20' setback to an abutting "R" District to the south under the provisions of Section 1670.

Variance - Section 1212.3 - Eating Places Other Than Drive-Ins - Use Unit 1212 - Request for a variance of the required screening requirement for an abutting "R" District under the provisions of Section 1670, located east of the SE corner of Apache Street and Cincinnati Avenue.

Presentation:

James H. Todd, 6722 South Lewis Avenue, was not present.

Protestants: None.

Comments:

Mr. Jones informed this is T.U.R.A.'s tract where a variance was granted. The property was rezoned. The applicant wants to put in a barbeque restaurant. When he submitted his plans, he found he was too close to the south property line because of building height.

Mr. Gardner informed in order to publish the emergency clause of the Zoning Ordinance, the Commission has to have four members. They only had three members so they approved the Ordinance, but they could not

publish it because they didn't have 4 votes to approve the emergency clause. He is still technically zoned part commercial and part residential until the Zoning Ordinance is published.

There was discussion about what relief was needed. There is an existing 6-foot high concrete wall developed by T.U.R.A. on the south property which meets the screening requirement.

Mr. Smith informed the owner is about to lose his loan because of the time lapse.

Mr. Jones informed that Mr. Todd is the financial advisor--the link between T.U.R.A. and Reese's Barbeque.

Ms. Hubbard presented the plans which had been given to her.

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 - under the provisions of Use Unit 1212) of the required 10' setback from an abutting "R" District to allow building over a zoning line under the provisions of Section 1670, a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - under the provisions of Use Unit 1212) of the required 20' setback to an abutting "R" District to the south under the provisions of Section 1670, and a Variance (Section 1212.3 - Eating Places Other Than Drive-Ins - under the provisions of Use Unit 1212) of the required screening requirement for an abutting "R" District under the provisions of Section 1670, per plans submitted, on the following described property:

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

There being no further business, the Chair adjourned the meeting at 3:42 p.m.

Date Approved _____

2/9/84


Chairman