

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 405
Thursday, January 26, 1984, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Purser (in at 1:15) Smith Wait (out at 2:50)	Victor	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 24, 1984, at 11:43 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Mr. Smith called the meeting to order at 1:03 p.m.

MINUTES:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Smith, Wait, "aye"; no "nays"; no "abstentions"; Purser, Victor, "absent") to approve the Minutes of December 1, 1983 (No. 401) and December 15, 1984 (No. 402).

UNFINISHED BUSINESS:

Case No. 12879

Action Requested:

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

Presentation:

Linda White, 7001 East 77th Street, informed she had called several churches and locations to check out the possibility of relocating and expanding. She did not find any place where the people were ready to start something immediately. She informed that she did have a location which would be available in September, 1984, that will not increase the expense to the parents of her students. It will be called "I Can Do Ministries". She informed that one of the sites she visited was Saint Michael's Church. After looking at this site, she did not feel that it would be in the best interest of the children to relocate there. There would be a flight of stairs that would hinder the children with physical handicaps. She would like permission to continue as she has been until May 15, 1984.

Protestant:

Marilyn Wilson, 7819 South 72nd East Avenue, represented the majority of property owners in the area of the subject property. She is the Sweetbriar director of the Southeast Tulsa Homeowners Association's Board. She informed that the neighbors do not believe that Mrs. White qualifies for a home occupation for tutoring children. Mrs. White's cleaning lady has been seen in the backyard supervising the children, and it was learned during a phone inquiry to Mr. White's house prior to the November 17 hearing that Mrs. White employed a person as a teacher's aide. There was no mention by Mrs. White of a requirement that the parents must volunteer their time for the tutoring services. Mrs. Wilson informed that Mrs. White does advertise by a rainbow that is on her mailbox. The rainbow advertises the name of the business--the Rainbow Connection Preschool. She submitted a photograph of the mailbox (Exhibit "A-1"). She informed that they were not able to reach the Oklahoma Child Development Institute who offered their full support to the Rainbow Connection Preschool. The phone number listed in the telephone directory for the institute is no longer a working number. She is concerned with the daily activity that occurs at the applicant's house--the traffic and the noise. Mrs. White converted her garage into a different type of room which brought questions from the neighbors. The neighbors were told that they were making a playroom for their boys. They were also told that the Whites were temporarily using their home as a business until they could find another location. She informed that the majority of people in the area are opposed to this application and the amendment. Mrs. Wilson informed that the petition submitted by the applicant in November had some discrepancies in it--there were several signatures of people who do not reside in the area. She submitted four notarized statements from Valley South residents who previously signed the White's petition, and who now want their names removed from the petition (Exhibit "A-2"). They believe that the facts were misrepresented to them by the petition circulator. Mrs. Wilson felt that it is quite strange that a preschool child needs tutoring. She informed that in October Mrs. White held an open house--this is a customary event for preschools. She informed that Federal Legislation mandates that children from birth to 21 years of age be given educational opportunities (Exhibit "A-3"). Mrs. Wilson was told by Father Pasco from Saint Michael's Church that Mrs. White did not come to view their facilities (Exhibit "A-4"). She informed there is an abundance of preschools and churches that are willing and wanting to have handicapped children come to their facilities. Mrs. Wilson does not feel that the petition that was submitted actually represents what the applicant is requesting to do. The protestants do not believe that Mrs. White's tutoring services fall within the definitional boundaries of tutoring. She informed that of the 62 preschools listed in the phone directory for Tulsa, all of them are in properly zoned areas. The protestants do not believe that Mrs. White has used the continuance period in an acceptable fashion. She submitted a letter from the Department of Human Services (Exhibit "A-5") which deals with the subject of licensing. She submitted a summary which compares the features of a preschool with the features of tutoring (Exhibit "A-6").

Applicant's Rebuttal:

Mrs. White informed that in the beginning she did plan on having a teacher's aide, but she never did hire one. Concerning the protestant's remarks about the rainbow on the mailbox, Mrs. White stated that the rainbow was on her mailbox long before they had anything to do with a preschool or working with children. She informed that Dr. Susan Farrell called her to tell her that she had received a phone call from Marilyn Wilson. She informed that people do not come to her house four times daily--at the most, they come twice daily. Most of the children carpool, so they never have more than three cars come in any one day. The cars never come at the same time unless she holds a meeting for the parents. She informed that the noise factor has been nonexistent since the November meeting because she has not taken the children outside at all. She informed that if her housecleaning lady had been seen watching the children, it had to have been before the November meeting. If she was out with the children, it was while Mrs. White was on the phone or visiting the facility. She informed there was no such thing as an open house event. There was a parents night for parents who were interested in Mrs. White's service. She informed that the Southeast Homeowners Association never came back to her and said anything about having located other facilities. She informed that she did go out and see Saint Michael's Church--she has a witness to that fact. They did convert their garage into a recreational room, and it is used for that except when the children are present. She told about some of the places she looked into for possible locations for them to relocate to. She did not contact the Tulsa Public Schools.

Interested Parties:

Janet Stover, 6903 East 78th Street, informed that Mrs. White told her last summer that the garage location would be just temporary. She expected to be moving from the beginning.

Protestant's Comments:

Mrs. Wilson informed she tracked down Dr. Farrell and talked to her--she is not listed in the telephone directory. Mrs. Wilson questions the whereabouts of the Oklahoma Child Development Institute that wrote in a letter that they fully support Mrs. White's school. She informed that the letter from Father Pasco states that Mrs. White never showed up to view the church premises. She suggested that if Mrs. White does have a place to go in September, perhaps she needs a letter of intent.

Mrs. William Byrd, 6930 East 76th Street, wanted to know how many times the Whites are allowed to come back to the Board wanting an extension. Mr. Smith informed her that the applicant can make an application for the same thing every 6 months.

Comments:

Mr. Jackere informed that Mrs. White is amending her application for this to be allowed from the present date until May 15, 1984.

Mrs. Purser asked Mrs. White about the places that she contacted for possible relocation. She informed that most of the Tulsa Public Schools do not have enough students so they have available rooms.

Case No. 12879 (continued)

Many of them have rooms available for daycare center use.

Mrs. Purser informed she would vote against this application because she does not feel that the applicant has used the continuance time to really research other locations.

Mr. Chappelle informed he would have a problem with this if it was for permanent use, but since it is just for about 3 1/2 more months, he does not have a problem with it.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 2-2-0 (Chappelle, Wait, "aye"; Purser, Smith, "nay"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Home Occupations - under the provisions of Use Unit 1206) to permit a Home Occupation (tutoring children) in an RS-3 District under the provisions of Section 1680, on the following described property:

This application fails for lack of three affirmative votes.

Lot 11, Block 1, Sweetbriar Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 12379

Action Requested:

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

Presentation:

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

Protestants: None.

Comments:

Mr. Jones informed he received a phone call stating that this case was going to be withdrawn by someone coming to the meeting for the applicant.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to DENY without prejudice for failure to present a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts) to allow an airport in an AG District, on the following described property:

A tract of land in the West-half of Section 13, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows to wit:

Case No. 12379 (continued)

Beginning at the SW corner of the SW/4 of Said Section 13; thence North 00°-00'-24" West along the West line of Said Section a distance of 2,639.90 feet to the NW corner of Said SW/4; thence North 89°-59'-36" East a distance of 90.00 feet; thence North 12°-11'-57" East a distance of 108.50 feet; thence along a curve to the left having a radius of 2,963.58 feet a distance of 198.64 feet; thence North 00°-00'-24" West a distance of 75.02 feet; thence North 44°-30'-01" East a distance of 771.48 feet; thence South 0°-00'-30" East a distance of 3,574.95 feet to a point on the South line of Said Section 13; thence North 89°-53'-37" West along Said South line a distance of 660.50 feet to the point of beginning; AND

Block "D" WOODLAND PARK, a subdivision in Tulsa County, Oklahoma, according to the recorded Plat thereof.

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 33 feet and a variance of the setback requirement from the centerline of East 38th Street from 50 feet to 45 feet to permit erecting a residence in an RS-3 District under the provisions of Section 1670, located at the NW corner of South 106th East Avenue and East 38th Street South.

Presentation:

Gerald Snow, 800 North Lynn Lane, informed he is a builder and was going to build a house in Shannon Park VI. He informed that someone built a house on part of his lot. He submitted a plot plan (Exhibit "B-1"). There is a house built to the north of the subject property -- it is owned by a person who sold him his land. He has already started building his house. He informed that the neighbors do not object to this.

Protestants: None.

Comments:

Ms. Purser informed she is not sure that the remedy to Mr. Snow's problem is with the Board.

Mr. Gardner informed that the way the subdivision is designed, there is physically no way to line up. It almost appears that the western boundary of his lot line lines up with the rear of the house to the north.

Ms. Purser is concerned that this remedy might hurt a third party-- the property owner to the north. She feels that his remedy might be through private means of suing the other builder. She was not as concerned when she learned that the person to the north of him sold Mr. Snow the lot.

Mr. Gardner informed that the way the lot was designed, it never was intended to be lined up.

Case No. 12906 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Under the provisions of Use Unit 1206) of the setback requirement from the centerline of South 106th East Avenue from 48 to 33 feet and a variance of the setback requirement from the centerline of East 38th Street from 50 feet to 45 feet to permit erecting a residence in an RS-3 District under the provisions of Section 1670, per plot plan, on the following described property:

Lot 17, Block 6, Shannon Park 6th 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:

It was suggested that this case be continued to the February 23, 1984, meeting, but that would be more than 90 days after the application was filed. The Board has to take action within 90 days of the application being filed unless the applicant requests a continuance or fails to present a case.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to continue Case No. 12933 to the February 9, 1984, meeting.

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 District under the provisions of Section 1670, located north and east of East Erie Avenue and 7th St.

Case No. 12937 (continued)

Presentation:

Frances L. Mabry was represented by Denise Becker, 5415 East 7th Street. Mrs. Becker informed the plans submitted (Exhibit "C-1") were originally made for another lot, but Mrs. Mabry would like to build the same house on the subject tract.

Protestants: None.

Comments:

Mr. Jones informed this was continued so the Board members could view the site and so it could be properly advertised.

Mr. Smith informed this would be five feet wider than the lot across the street.

Mrs. Purser informed she was not able to view the site and asked the other members about the size of the other lots in the area.

Mr. Jackere advised the Board that back in December 1982, when the lot split was approved by the Technical Advisory Committee, the information therein shows that the application today is identical with the previous application that was denied by the Board.

Ms. Purser asked if any plans were submitted on the previous case. Mr. Jackere informed her that there were not any in the file. He read the request that was made before the T.A.C., and he has no reason to think that this is not identical. Ms. Purser feels that if this is approved, it would set a precedent in that neighborhood.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Purser, Wait, "aye"; Smith, "nay"; no "abstentions"; Victor, "absent") to DENY 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 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 (L-16046) in an RS-2 District under the provisions of Section 1670, on the following described property:

Lot 5, Block 18, White City Addition, of the City of Tulsa, Tulsa County, State of Oklahoma, according 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 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 this was continued so he could bring back more information about what he is planning to

Case No. 12945 (continued)

do on the lot. He informed he owns the shopping center on the lot and will not allow a larger car wash than 4 bays.

Vernon Dudley, 1145 South Marion Avenue, wants to construct a car wash on the subject property. The car wash will have four bays and will be coin operated. It will be 15 feet high, 76 feet long, and 28 feet wide. It will be self service. He submitted some drawings and some plans of the car wash (Exhibit "D-1"). He also submitted a picture of a car wash that was built from the same plans (Exhibit "D-2"). The structure will be brick with a mansard roof. He will service the car wash at least once a day. He described the duties involved in servicing a car wash. He submitted a copy of the original platting (Exhibit "D-3") on which he has drawn the proposed location of the car wash. The car wash will be open 24-hours a day. There will not be an operator there 24-hours a day. They probably won't have all four bays open at night. He informed that he will probably spend about 2 1/2 hours a day at the car wash.

Interested Party:

Bob Beason, 11119 East 13th Place, informed he would like to look at the plot plan. He looked at the plans and informed he has no objections to the proposal.

Comments:

Ms. Purser was concerned that someone might come in later and want to add more bays.

Mr. Gardner informed if there was a basis to turn down a request for more bays such as increased traffic, etc., there would be no problem.

Mr. Smith asked the applicant what he owns in the shopping center. He informed that he owns everything except the old Safeway Store.

Mr. Gardner asked if all the property would be used for the car wash. Mr. Dudley informed they would only be using the northwest corner of the parking lot.

Mr. Gardner informed the Board needs a legal description of what they plan to use for the car wash. Mr. Irom informed that the whole lot is 216' wide by 352' deep. The parking lot is 216' by 183'. They will be using the 102' x 80' of the northwest corner of the subject tract.

Mr. Gardner informed they need to amend the legal description to include only the 102' by 80' in the northwest corner.

Ms. Purser asked what the configuration of the shopping center is. Mr. Irom submitted the layout of the shopping center (Exhibit "D-4") and described it. He informed that the stack area for the car wash will be in the parking lot, not on the street. He informed that the brick used for the car wash will match the color of the brick used in the shopping center.

Ms. Purser asked if there would be any reason to tie the ownership of the car wash to the shopping center. If, at some time, the car wash is owned by someone different than the owner of the shopping center, there would be a real maintenance problem and a lot of garbage.

Case No. 12945 (continued)

Mr. Jackere informed if the use is appropriate, it is appropriate regardless of who owns it or how large the lot is.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1217) to permit a four-bay car wash in a CS District under the provisions of Section 1680, limited to the north-west 102' by 80' of the lot, per pictures and plans submitted, with the structure being brick with a mansard roof, and with the color of the brick matching as closely as possible the color of brick used in the shopping center, on the following described property:

The West 80' of the North 102' of the West 216.4' of the East 585.8' of the North 452' of Lot 8 of Section 6, 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:

Frank D. Moskowitz, P. O. Box 2875, was represented by Charles Norman, 909 Kennedy Building. He amended the application to be from 100 feet to 70 feet instead of 40 feet. They need this variance to expand the building on the property 34 feet in the front. He submitted the plans for the construction of the building (Exhibit "E-1"). The building will be used for a wallpaper store. The new front on the structure will provide for open space in the front and parking on the sides and to the rear. The front part of the building will be landscaped. He presented a rendering of the building (Exhibit "E-2"). The building will be of frame construction with wood siding and French-type windows. He submitted an aerial photograph (Exhibit "E-3") which shows several instances where the required 100' building setback does not exist on 31st Street at this time. Republic Finance is immediately to the west of the subject property. He informed the existing right-of-way in front of this building is 70 feet at this time. He submitted 13 photographs (Exhibit "E-4") of situations on 31st Street where the required building setback has not been met. He informed that his firm represents Republic Finance and the plans for this expansion have been reviewed by their management and officers. They have given their approval to the construction of this addition. He informed the Board has granted a number of similar variances where existing physical conditions would make it impossible to expand the street to the width that is called for by the Major Street Plan. If the street was widened at a later date, the building would still be 20 feet back of the right-of-way line for the required Major Street Plan right-of-way as shown on the Plan.

Protestant:

Doug Dodd, 1000 Atlas Life Building, represented the Hornet Oil Company, the owner of the service station in the area. He informed that the Hornet Oil Company does object to the granting of the variance as requested and as amended. He pointed out that there are several buildings at the intersection of 31st Street and Harvard Avenue that are not meeting the 100-foot setback requirement as it now exists. He informed that from Jamestown to the east, the setback of 100 feet is complied with. At the service station, the building is in compliance with the 100-foot setback. A variance was obtained by the service station to allow a canopy to encroach into the setback. His concern is not that a variance might be granted under any circumstance, but the specific circumstances where the purpose for the variance is a building. Hornet Oil Company is concerned because to the east of it they have a non-conforming building that blocks the view of the service station from the west bound traffic. They are concerned that if this variance is granted, there will be a similar obstacle placed to the west of the service station--this would hamper the view of the motorists driving from the west. He is concerned that this could lead to further encroachments at a later date. Their basic objection relates to the standard that is required by the City Zoning Code of applicants who request a variance. This standard requires that a variance can be granted on the finding of a hardship of the land. They do not feel that a hardship exists in this case. They feel it would be better for the variance to be denied and to keep the 100-foot setback.

Applicant's Rebuttal:

Mr. Norman informed that the service station location is approximately 150 feet to the east of the subject property. He thinks the real consideration in this case should be whether conditions and circumstances exist in this neighborhood which would justify a variance from the terms of the Zoning Code. He could not find that a variance was granted for the doctor's building in the area, but its appearance indicates that it is of fairly recent construction. He described other encroachments in the area. He feels that the encroachments in the area would make it impossible to acquire the full right-of-way as required by the Major Street Plan. He informed that the businesses that abut the subject property do not consider themselves to be threatened in any way by the approval of the renovation project of the quality indicated by the plans. He feels that the requirements of the ordinance are met by the physical facts that these conditions and circumstances are unusual and do justify the variance of the ordinance.

Protestant's Comments:

Mr. Dodd was concerned that the proposed landscaping in the front of the building on the subject property might be trees and plants of a bushy nature. He informed that Republic Financial is the seller of the property.

Applicant's Comments:

Mr. Norman informed they have no difficulty at all in agreeing that any shrubbery in the front of the property be not more than 3 feet in height. They do not want to block the appearance of their building.

Comments:

Ms. Purser asked Mr. Dodd about the nonconforming use he mentioned. She wanted to know if that was an older building that has been there

Case No. 12956 (continued)

for some time. Mr. Dodd informed that there was no variance granted on the building and it was in existence before the street was widened. It goes closer to the street than the 100-foot setback.

Mr. Chappelle asked if the encroachments that were there before the Major Street Plan are subject to any type of removal contract. He was informed that they are not.

Mr. Gardner informed the doctor's building was built before 1970. In 1970 the ordinances changed to regulate setback from the centerline in the Major Street Plan so that the proposed right-of-way plus the setback were taken into account. Prior to that time, the setback was not measured in that way--it was measured from the property line.

Ms. Purser asked if the intention of the setback was for widening of the street and aesthetic purposes or just widening of the street. Mr. Gardner informed that the Major Street Plan is for the purpose of potential widening and improvement. It is a separate document, but it is a part and parcel of the Zoning Code. The front setback is for uniformity purposes. The 50-foot requirement allows parking in the front of the building for convenience sake. The additional setback was to get the buildings off the street where there could be parking convenient to the building.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - under the provisions of Use Unit 1214) of the setback requirement from centerline of 31st Street from 100 feet to 70 feet in a CS District under the provisions of Section 1670, with the provision that no shrubs taller than 3 feet in height be used as landscaping, per plot plan and drawings submitted, on the following described property:

Lots 15, 16, and 17, Block 8, Bellaire Heights Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS:

Case No. 12968

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit automobile sales in a CS District under the provisions of Section 1680, located at the NE corner of East 33rd Street and South Mingo Road.

Presentation:

Charles Norman, 909 Kennedy Building, informed this application is to convert a vacant service station to an automobile sales facility. He described the property surrounding the subject property. He feels that this appears to be an appropriate use for a piece of property that has been dedicated to this use unit for some time in the past. The canopy that is on the subject property will be removed and the small building will be used as an office for the operation. The lot is 125' by 125'. The square-footage would allow 56 cars to be on the lot, but he does not think they could put that many cars on the property because of the location of the building. He informed there are not any other used car lots on Mingo, but there is one on 31st Street. He informed that in 1977, the Board approved the same use unit for the automobile garage that is located next to the subject property.

Protestants: None.

Comments:

Mr. Gardner informed there is a new car facility at the Mingo Valley Expressway and 31st and one used car facility on the south side of 31st. That is as close as any are.

Mr. Chappelle informed he would like to view the site before he votes on this.

Ms. Purser informed she is very familiar with this area. There are a lot of fast food restaurants there, but she feels that a car lot is inappropriate because of the apartments in the area. The only thing that makes it a desirable location at all is the car wash next to it.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue Case No. 12968 to the February 23, 1984, meeting to allow the Board members time to view the site and to allow the applicant to bring back some pictures of the area.

Case No. 12969

Action Requested:

Variance - Section 1221.5 (d) 1 - CS District Use Conditions - Use Unit 1221 - Request for a variance to permit two 6' x 75' wall signs in a CS District under the provisions of Section 1670, located west of the NW corner of South 101st East Avenue and East 21st Street.

Presentation:

A-Max Sign Co., Inc., was represented by Casper Jones, 1302 South Fulton Avenue. He informed that he discussed this matter with the

Staff before he filed the application and he was under the impression that it was a minor exception because it is an increase of the size of the signs. He filed for a variance to make sure that he was covered if the Board decided that it was a variance. Mr. Jones informed the building is 100 feet by 150 feet. The applicant is proposing to put a sign on all four walls. The sign inspector will permit the signs on the 150-foot sides which will be on the east and the west. They need the variance for the north and the south sides. He submitted a picture of what the sign will look like (Exhibit "F-1") and a plot plan (Exhibit "F-2"). The north side of the building is along Interstate Highway 44.

Protestant:

J. C. Jackson, 200 NE 21st Street, Oklahoma City, represented the Oklahoma Department of Transportation. He submitted a copy of Title 69 (Exhibit "F-3") and presented a copy of the Transportation Commission Rules and Policies. He also submitted a map (Exhibit "F-4"). He informed they are concerned about the placement of the sign because Title 69 states that there cannot be a sign greater than 60 feet in length and no greater than 25 feet in height and cannot exceed 1200 square feet. He informed there is a 500-foot spacing law that is adjacent to Interstate Highway 44. He informed they have an on-premise sign that is permitted but cannot exceed 60 feet in length. He informed that Section 1275 (b) states the exact dimensions that a sign can be. He informed this covers anything that is painted or erected for the purpose of being read.

Applicant's Rebuttal:

Mr. Jones informed that immediately to the west of the subject property are some very large signs and billboards. He wondered if the State approved those signs.

Comments:

Mr. Garnder informed the Ordinance has been amended and there is no Section 1221.5. Mr. Jackere informed the Board can handle this as a variance.

Mr. Jackere asked why the applicant needs the variance and how much the Code permits him to have on the north side. The Code allows him 300 feet and he is asking for 450 feet.

Ms. Purser asked why the sign could not be smaller on those two sides, and the applicant informed that they wanted to keep it uniform all the way around the building.

Mr. Jackere asked if the applicant was aware that the State only permits a 60-foot wide sign along the right-of-way of a highway. The applicant informed he did not know this and asked if the State was governing where signs should be in the City of Tulsa. Mr. Jackere informed that they were along the highway. The applicant informed there are a lot of violations of this. Mr. Jackere informed that the law is that the Board should be guided by those variances that have been approved legally, not illegal uses.

Ms. Purser informed that if the other signs were made smaller, they would all be uniform in size.

Case No. 12969 (continued)

Mr. Jackere informed there are lots of State Laws and the City of Tulsa is not in the business of enforcing the Laws of the State of Oklahoma, but rather it should be guided in what the Zoning Ordinances of the City of Tulsa provide. The applicant should be advised that should this Board approve a sign that is 75 feet wide, such a sign may not be authorized by the Laws of the State and he may be in violation of the Laws of the State. The Board's approval of the sign does not authorize a violation of State Law. He informed he would hate to put the City of Tulsa in a position of having to go to District Court to defend and enforce State Law. He advised the Board that in the statements made by the applicant, he has not heard any evidence, other than the fact that they want to have the signs uniform in size, that justifies the finding of a hardship or even points to the fact that there may be a hardship.

Mr. Jackere informed in terms of the size, the State does not distinguish between outdoor advertising and the business sign.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Wait, "aye"; no "nays"; no "abstentions"; Victor, "absent") to DENY a Variance (Section 1221.5 (d) 1 - CS District Use Conditions-under the provisions of Use Unit 1221) to permit 2 6' x 75' wall signs in a CS District - under the provisions of Section 1617, on the following described property:

Lot 1, LESS the West 447.79' thereof, Block 2, Magic Circle South Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12970

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request for a variance of the frontage requirement from 30 feet to 0 feet to allow a private street in an AG District under the provisions of Section 1670, located 1/2 mile east of the SE corner of 101st Street and South Sheridan Road.

Presentation:

Michael Taylor represented Sisemore-Sack-Sisemore & Assoc., Inc., 5359 South Sheridan Road. He submitted some copies of a preliminary plat (Exhibit "G-1") and copies of a sketch plat (Exhibit "G-2") and informed this street will be properly maintained through a Home-owners Association of the Plat. He stated that some of the things on the Preliminary Plat could be changed. They are still working with City Engineering Department for drainage through the middle of the tract. This is the only lot layout that could be worked out at this location. They are going for a private street rather than a public street because they need as much livability space and actual lot space within the lots to allow for the Health Department's requirements of 22,500 sq. ft. They will have private sewage systems--septic tanks. The private street will be narrower than a public street would be. It will be 30 feet wide as opposed to 50 feet wide. The street will physically look like a public street, but there will not be any dedicated right-of-way. They will be able to use the

Case No. 12970 (continued)

right-of-way measurement for the septic tank division. Mr. Taylor informed they have submitted a Preliminary Plat and a Deed of Dedication with the Covenants showing Homeowners Association language. This has not come before the Planning Commission for their approval yet, but the Technical Advisory Committee has accepted it with conditions. He informed they are proposing a private gate security system. He informed that RS-1 zoning on this property would allow for 40 dwelling units by right, but they are only proposing 15. He described how they are planning to channel the water.

Interested Party:

Alfred Jageler, 7501 East 103rd Street South, informed he does not know of any of the neighbors who are objecting to this proposed plan. He is concerned about the drainage which has been addressed by the applicant. He described the flooding problem they have and submitted 13 pictures (Exhibit "G-3") showing the flooding in the area. He suggested that the Board be concerned with the drainage problem in the area. He informed that one of the reasons for having the street like is being proposed, is that there is no access to the property other than what is being planned.

Comments:

Mr. Jackere asked if there was a maximum length for a cul-de-sac, and Mr. Taylor informed him there was one for a public street, but not a private street.

Mr. Jackere asked if there was a reason for the maximum length and Mr. Smith informed they say it is for the amount of hose a fire department pumper truck carries. Mr. Gardner informed the maximum is also for density. The number of lots that are on one street and are served by that one street could be a definite concern. There will be 15 large lots on this street.

Ms. Purser asked if the Board has any responsibility to make sure that they build this private street up to standard. Mr. Gardner informed that any action the Board would take would be subject to the Planning Commission because this has not been approved by the Planning Commission yet. The Planning Commission will be concerned with these kind of things. What the Board should do if they approve this, is to tie it to the proper subdivision plat being approved by the TMAPC.

Mr. Jackere asked if the Planning Commission will require the creation of a Homeowners Association. He was concerned that one would never be created. Mr. Gardner informed this Board should be concerned with this as well.

Mr. Smith informed this is an over-length cul-de-sac by the Planning Commission standards for a public street. Mr. Gardner informed the standards are for density and for safety reasons.

Mr. Gardner informed if the Planning Commission approves the plat, they will have checked into and taken the safety and service into consideration. If they approve it, the conditions would have been met. If it is tied to an approved Subdivision Plat and if this plat is denied, the Board has not approved anything.

Case No. 12970 (continued)

Mr. Smith informed the interested party that the City Engineering Department that is a part of the Technical Advisory Committee of the Planning Commission will have to approve the drainage--it is not this Board's responsibility.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 207 - Street Frontage Required - under the provisions of Use Unit 1206) of the frontage requirement from 30 feet to 0 feet to allow a private street in an AG District under the provisions of Section 1670, subject to this Board's approval being contingent upon Planning Commission approval of a subdivision plat, and subject to a Homeowners Association being mandatory and being formed to maintain the street and drainage facilities prior to the issuance of a building permit, on the following described property:

A Tract of land, containing 9.0052 acres, that is part of the E/2 of the E/2 of the NE/4 of the NW/4 of Section 26, Township 18 North, Range 13 East, Tulsa County, Oklahoma, Said Tract of land being more particularly described as follows, to wit: "BEGINNING AT A POINT" that is the Northeast corner of the NW/4 of Said Section 26; thence South 00°-01'-05" West and along the Easterly line of the NW/4 and along the Westerly line of "Bridle Trail Estates", a Subdivision in Tulsa County, Oklahoma, for 1,320.36' to the Southeast corner of the NE/4 of the NW/4; thence South 89°-50'-28" West and along the Southerly line of the NE/4 of the NW/4 for 330.09' to the Southwest corner of the E/2 of the E/2 of the NE/4 of the NW/4; thence North 00°-00'-57" East and along the Westerly line of the E/2 of the E/2 of the NE/4 of the NW/4 for 902.45'; thence North 89°-50'-45" East for 112.66'; thence North 02°-16'-03" West for 418.21' to a point on the Northerly line of Section 26, Said point also being 96.00' Easterly of the Northwest corner of the E/2 of the E/2 of the NE/4 of the NW/4; thence North 89°-50'-45" East and along the Northerly line of Section 26 for 234.14' to the "POINT OF BEGINNING" of Said Tract of land.

Case No. 12971

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-1 District under the provisions of Section 1680.

Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for a variance of the time limitation from one year to an indefinite time in an RM-1 District under the provisions of Section 1670, located south of the SE corner of 3rd Street and South 50th West Avenue.

Presentation:

Helen Jean Kimbrell, 338 South 48th West Avenue, was represented by Harry Dunn, her father and the owner of the subject property. He informed that he does not know of any other mobile homes in the area.

Case No. 12971 (continued)

He described the subject property and the surrounding area. He informed that the homes in the area are very old. He presented a plan for his mobile home and described his proposal. The mobile home will sit about 145 feet from the street, and he does not think that it will detract at all from the surrounding area. He informed the mobile home is 14 feet wide by 50 feet long. The lot is on the east side of the street and faces South 50th West Avenue. The property is on City sewer. He will have a chain link fence around the property.

Protestants: None.

Comments:

Mr. Gardner informed the Board has the option of putting a time limit on it and looking at it again at a later date.

Ms. Purser informed her intention as long as the property is kept up, would be that this mobile home be permitted to stay there as long as Mr. Dunn or his wife live in it. She would like the special exception granted for just one year.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "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 RM-1 District under the provisions of Section 1680, and a Variance (Section 440 - Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1209) of the time limitation from one year to two years in an RM-1 District under the provisions of Section 1670, on the following described property:

The North 88' of the West 173', LESS the West 20', East-half of Lot 1, Block 1, Smith's Subdivision, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12972

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit a "Budget-Rent-A-Car" office (not over 15 cars at any one time) in a CS District under the provisions of Section 1680, located at the NE corner of South Lakewood Avenue and East Skelly Drive.

Presentation:

Landsing Property Corp., was represented by John Weiner, 7033 East 79th Street. He informed there is a service station on the property that has been vacant for four or five years. This will be utilized as a satellite office with a minimum amount of vehicles stored on the lot. They do not want an excessive amount of cars on the lot. A couple of months ago, a variance was granted on this location for an insurance claim adjustment. After that was granted, they did not feel that their prospective tenant would abide by the restrictions

Case No. 12972 (continued)

that were placed on the granting of the variance. He informed this service station does not have any bays or service areas. It is just a small building with an office. There will be two people attending the office, and its hours of operation will be approximately 7:00 a.m. until 6:00 p.m. Cars will be shuttled from the main terminal at the airport as needed. They do not want vehicles stored overnight for security reasons. They will not alter the building at all.

Protestants: None.

Comments:

Mr. Smith informed this is in a ticklish area as far as traffic is concerned.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1217) to permit a "Budget-Rent-A-Car" office in a CS District under the provisions of Section 1680, limited to 10 cars stored at any time, on the following described property:

Lot 4, Block 1, Tulsa Scottish Rite Subdivision Amended, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12973

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request for a variance of the required building setback from abutting streets in a CS District under the provisions of Section 1670, located at the SW corner of 42nd Place and 33rd West Avenue.

Presentation:

Roy D. Johnsen, 324 Main Mall, submitted 6 pictures (Exhibit "H-1") and described the surrounding area. He informed that the Major Street Plan calls for a 50-foot right-of-way--100-foot setback from the centerline. He informed that the right-of-way in that area is actually only 60 feet in most instances. Quik-Trip would like to remove an existing building to the east of their present location and build a new Quik-Trip store. He submitted an aerial photograph (Exhibit "H-2"). He informed that there are buildings in the area that encroach further than they are proposing to. He submitted a plot plan (Exhibit "H-3"). The existing Quik-Trip was built about 20 years ago.

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - under the provisions of Use Unit 1213) of the required building setback from abutting

Case No. 12973 (continued)

streets in a CS District under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lots 1, 2, 3, 4, and the North 4' of Lot 5, Block 24, Yargee Addition to Red Fork now an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12975

Action Requested:

Variance - Section 420.2 (d) - Accessory Use Conditions in Residential Districts - Use Unit 1205 - Request for a variance to allow 18 sq. ft. more than the allowed 32 sq. ft. for an identification sign and to allow 18 sq. ft. more than the allowed 12 sq. ft. for bulletin board in an RS-3 District under the provisions of Section 1670, located east of the NE corner of South Joplin Avenue and East 51st St.

Presentation:

Craig Neon, Inc., 1889 North 105th East Avenue, was represented by Ray Toraby. He presented some pictures and some drawings of the proposed signs (Exhibit "I-1"). He informed the variance is for the Park Plaza Church of Christ which consists of 5 1/2 acres of land. They have a wooden sign that is rotting out. The present sign is about 7 feet by 8 feet and is sitting about 75 to 80 feet from the center of 51st Street. The church has a very long front and is next to commercial zoning. The new sign will sit at the same place as the old sign. He informed that compared to the size of the church building, the new sign is a small sign. The proposed sign will be 15 feet high and will not block any view because it sits way back on the property.

Interested Party:

John Mansur, 1658 South Boston Avenue, informed he is the building deacon of the church in question. He informed that this sign is just slightly larger than the sign they have now. He presented a plat and described what they want. It is architecturally just like the building and he feels it will add to the neighborhood.

Comments:

Ms. Purser informed her objection would be more to the size of the message sign than to the size of the sign. She informed that the whole sign appears much larger than the square-footage because the entire structure is part of the sign. She stated that maybe because of the fact that it is on 51st Street, it justifies the variance.

Mr. Gardner informed the Board granted a similar size sign at 51st and Harvard. The hardship upon which they granted that variance was the amount of front footage on the lot. A minimum church site is one acre and is permitted 32 sq. ft. and the applicant has about 5 acres of land and a very large complex.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 3-0-0 Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 420.2 (d) - Accessory Use Conditions in Residential Districts - Under the provisions of

Case No. 12975 (continued)

Use Unit 1205) to allow 18 sq. ft. more than the allowed 32 sq. ft. for an identification sign and to allow 18 sq. ft. more than the allowed 12 sq. ft. for a bulletin board in an RS-3 District under the provisions of Section 1670, per drawing submitted, on the following described property:

Part of the SE/4, SE/4 of Section 27, Township 19 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows:

Beginning 660' West of the Southeast corner of the SE/4; thence North 355'; thence West 580.62'; thence Northwest 50.31'; thence Southwest 56.28'; thence Southwest 227.81'; thence South 140'; thence East 675.90' to the point of beginning, LESS the South 50' thereof for Street. (4.74 acres)

Case No. 12976

Action Requested:

Variance - Section 730 - Bulk and Area Requirement in Commercial Districts - Use Unit 1215 - Request for a variance of the required 100' setback from the centerline of 11th Street to 89' to allow for new construction in a CS District under the provisions of Section 1670, located at the SE corner of 11th Street and South 107th East Ave.

Presentation:

B. F. Kannady, 11364 East Independence Avenue, was represented by Rodney Ray, 11364 East Independence Avenue. He submitted some plans (Exhibit "J-1") and informed they would like to construct an 18,000 square-foot building on this property. They need the variance because the only other way they could get the building adequately placed on the property would be to make an "L" shape building that would back right up behind a mobile home park and mobile home residences. A portion of the building is two-story which will be 25 feet tall. The single-story area will be 14 feet tall. If the variance is granted, they will still be about 50 feet from the right-of-way if 11th Street is ever developed to its full capacity. The electrical contractors are a prime tenant of the building--they will use about 25% of the building. The rest of the building will be used for office and warehouses. They were granted an exception several months ago for the Use Unit. The building will be painted and trimmed. They want to improve the area. Just west of the site is a convenience store that has a canopy that extends significantly into the setback. They have had no complaint from the property owner to the east who owns a camper sales facility.

Protestants: None.

Comments:

Mr. Jones informed the previous action is ambiguous, but the applicant was approved the use under Board Case No. 12703 on July 14, 1983. The Board approved a special exception for Use Unit 15 which is office and warehouse combination.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0

Case No. 12976 (continued)

(Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - under the provisions of Use Unit 1215) of the required 100' setback from the centerline of 11th Street to 89' to allow for new construction in a CS District under the provisions of Section 1670, per plans submitted, on the following described property:

The W/2 of Lot 1, Mingo Valley Acreage, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

OTHER BUSINESS:

Case No. 12941

Action Requested:

Review of Plot Plan and Elevations.

Presentation:

Jack Stacy, 9640 East 25th Street, presented his plot plan and elevations for the duplex. He informed they are going to have a common wall, and the Board said they did not have to come back in with the exact dimensions until they build the house. He described the plans. Each side had 1,609 square feet and will be two stories in height. The length of the building is 106 feet. They will stay as far to the west as they can which will give them about 34 feet on the Irvington side. It will cost about \$150,000 to build the duplex. He informed that 68% of all the homes in this addition are duplexes. He informed they only have 29 feet of depth to work with.

Protestants: None.

Comments:

There was discussion about what restrictions were placed on this when the use was approved.

Ms. Purser asked if this was the case where there was discussion about the duplex not looking like a duplex.

Mr. Jones informed this is the case where there was a question as to whether the duplexes behind the proposed duplex were approved or not.

Mr. Jackere informed if this plot plan does not conform with the conditions that were imposed, the conditions will prevail.

Ms. Purser wanted the Board to make a formal request of the Staff to always have a map and the official or unofficial minutes of continued items for them to review.

The Staff informed there was not a condition made that said this must look like a single-family, but Ms. Purser did make a statement that she felt the duplex should have a single-family character to it. The conditions of approval were the erection of a screening fence on part of the property, the approval of the City Hydrologist, and

Case No. 12941 (continued)

the applicant returning with his plans for the Board's approval.

Mr. Smith informed this could look like a single-family house if there was one entrance on the side and one in the front.

Ms. Purser informed she would not approve these plans. She informed that she went by to view the site right after the last meeting. She informed that the plans submitted today do not at all fit in with the neighborhood.

There was discussion about how the plans could be changed to appear single-family.

There was discussion about what was said at the previous meeting.

Ms. Purser felt that with the presentation of these plans, her faith that the applicant would perform has been broken. She felt that the applicant understood her intentions that the duplex appear single-family in character.

Ms. Purser informed her problem is that in her mind a duplex was inappropriate there. She was willing to vote for a duplex if the applicant was willing to do his best to make the duplex not look like a duplex.

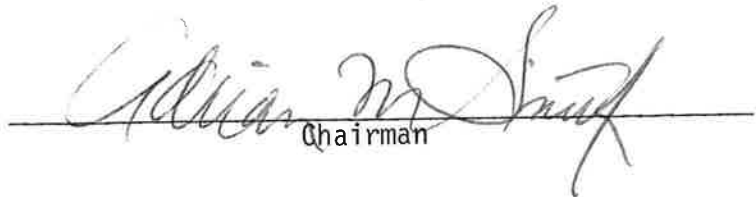
Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, Wait, "absent") to continue the Review of Plot Plan and Elevations for Case No. 12941 to the February 9, 1984, meeting for further review.

There being no further business the meeting adjourned at 3:55 p.m.

Date Approved _____

2 - 23 - 84


Chairman