

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 406
Thursday, February 9, 1984, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Chappelle
Purser (in at 2:12)
Smith (in at 1:22)
Victor
Wait

STAFF PRESENT

Gardner
Jones
Wiles

OTHERS PRESENT

Hubbard, Protective
Inspections
Jackere, Legal
Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, February 7, 1984, at 11:40 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Mr. Victor 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, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to approve the Minutes of December 29, 1983 (No. 403) and January 12, 1984 (No. 404).

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; and a

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1205 - Request for a variance to permit two dwelling units per lot of record in an RS-3 District under the provisions of Section 1670; and a

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1205 - Request for a variance of the setback from the centerline of North Xanthus Avenue from 50' to 46' and a variance of the setback from the east property line from 5' to 4' in an RS-3 District under the provisions of Section 1670, located at the SE corner of Xanthus Avenue and Woodrow Street.

Presentation:

Oleta Wright Whibbey, 2110 North Xanthus Avenue, was represented by Alvin Hayes, 1345 East Apache. He informed that there is commercial property directly across the street from the subject property which causes much interference. They feel that this day care center will make a contribution to the improvement of the neighborhood and community. They have

surveyed the area and have determined that there is a need for a day care center. They would like their requests granted pending the development of an appropriate plan to properly lay out the structures on the property because of the nature of the structures that are in existence there at the present time. He submitted a drawing that shows the layout of the property and how they are proposing to utilize it (Exhibit "A-1"). They are proposing a brick-type structure of new construction. They do not want to obtain final plans until they know that they have permission. They would like to build the buildings this year. He described the subject property. They need the setback variance because the present building extends over the setbacks that are required by the ordinance--the house has been there for 30 years. The existing structure is 41.6 feet by 25 feet--about a thousand sq. ft. They have not yet established how many children they will have. They will go by the State requirements. The center will be in operation Monday through Friday from 7 a.m. until 6 p.m. Mrs. Whibbey will have two other employees. Mr. Hayes informed they plan to remove the garage and then the new structure would be tied into the existing structure by a hallway or some other way. They do not have any problem with the concept of trying to link the two structures together.

Protestants: None.

Comments:

Mr. Victor read from the approved minutes what the concerns of the Board were when this case was heard previously.

Ms. Hubbard informed the applicant meets livability space requirements. Typically, the design of a day care center is laid out in single family form. The reason for the variance to permit two dwelling units on a lot is because, in the event that the day care center folds, there would be a single-family designed unit sitting there. She informed she is satisfied with the application as it reads.

Mr. Gardner asked if the two structures could be located in such a way that they could actually be split. Ms. Hubbard informed that would depend upon the configuration of the proposed lot split. She informed the applicant prefers not to get a lot split. Mr. Hayes informed the lot is presently split by virtue of a fence which goes across the lot immediately behind the garage.

Ms. Hubbard told how they came up with their setback figures.

There was discussion about where the children would be dropped off and picked up.

Mr. Gardner informed the Staff has problems with this because the structure that is on the lot now is right in the middle of the lot. The building that they want to build will be either facing south or west and will operate across from the existing commercial to the south. With the way they want to build the other building, there is no way to physically split the lot some day in the future and have both lots with at least 6,900 square feet. If they were using the existing structure, he would not have any problem with it. His problem is with the building of the second building to the south.

Case No. 12918 (continued)

Mr. Victor asked Mr. Gardner if he would have a problem with this if the applicant added on to the existing structure. Mr. Gardner informed he would not.

Mr. Gardner informed he is not opposed to the day care center, per se, but they are going to end up with two houses on the same lot. He can see the second structure being developed very much like a commercial structure.

Mr. Victor informed he does not have any problem with the request for the special exception. He does have some trouble with the first variance and the two structures. He would not have any trouble with the applicant adding on to the existing structure and using part of it as a day care center.

Mr. Gardner cannot see how the applicant would not be faced with a lot split later that would not meet any of the requirements because more than likely the financing for the nursery building would be separate and apart from the financing on the house.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Victor, Wait, "aye"; no "nays"; Smith, "abstaining"; 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 on a lot with an existing residence in an RS-3 District under the provisions of Section 1680, to DENY a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1205) to permit two dwelling units per lot of record in an RS-3 District under the provisions of Section 1670, and to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1205) of the setback from the centerline of North Xanthus from 50' to 46' and a variance of the setback from the east property line from 5' to 4' in an RS-3 District under the provisions of Section 1670, on the following described property:

Lot 7, Block 11, Coots Addition to the City of Tulsa, Tulsa County, State of 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, attorney, 1515 East 71st Street, Suite 301, requested by letter (Exhibit "B-1") that this case be continued.

Protestants: None.

Case No. 12933 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to continue Case No. 12933 to the February 23, 1984, meeting.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12977

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request for a variance of the required 150' frontage to 131.36' and 38.43' to permit a lot split in a CS District under the provisions of Section 1670, located east of the NE corner of East 31st Street and South Memorial Drive.

Presentation:

John Sublett, #1 Williams Center, Suite 1776, informed they are developing an office park and they have separate financing on four different offices. This one is on the extreme west end. They will have mutual access easements and complete mutual parking for the entire project. There would be no reason to have any additional curb cuts or anything else.

Protestants: None.

Comments:

Mr. Smith informed the TMAPC has already approved the lot split.

Mr. Gardner informed the only condition the Staff is concerned with is that this be subject to mutual parking and access easements-- the Staff does not know whether each lot split stands on its own. They may not have enough parking on each of the lots independent of each other.

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 1213) of the required 150' frontage to 131.36' and 38.43' to permit a lot split (L-16072) in a CS District under the provisions of Section 1670, subject to mutual access easement and parking agreement between the two pieces of property filed of record in the County Clerk's office (copy for the file), on the following described property:

The South 200 feet of the W/2 of the E/2 of Lot 4 in Block 1 of "Groveland Addition", an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded Plat thereof, LESS and EXCEPT the East 8.00 feet thereof. Said tract being more particularly described as follows:

Commencing at the Southeast corner of Lot 4 in Block 1 of "Groveland Addition", an addition to the City of Tulsa, Tulsa

2.9.84:406(4)

See minutes
for May 3,
1984 (#412).

Case No. 12977 (continued)

County, Oklahoma; thence South 89°-22'-00" West along the South line of Said Lot 4 a distance of 175.79 feet to the POINT OF BEGINNING; thence continuing South 89°-22'-00" West along the South line of Said Lot 4 a distance of 159.79 feet to a point; thence North 0°-32'-55" West a distance of 200.00 feet to a point; thence North 89°-22'-00" East a distance of 159.71 feet to a point; thence South 0°-34'-13" East a distance of 200.00 feet to the POINT OF BEGINNING and containing 31,950.06 sq. ft. or 0.7335 acres, more or less.

Case No. 12979

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 following: 1) The required lot width from 75' to 77.5', 70', 70', and 87.7' respectively,

2) the required lot area from 9,000 square feet to 7,873 square feet, 7,113 square feet, 7,113 square feet and 8,909 square feet respectively, and

3) the required land area from 10,875 square feet to 9,811 square feet, 8,861 square feet, 8,861 square feet and 14,267 square feet respectively

to permit a lot split in an RS-2 District under the provisions of Section 1670, located at the NW corner of East 14th Street and South 121st East Avenue.

Presentation:

Phil Moffett, 3531 South Richmond Avenue, was represented by Clay Roberts, 525 South Main Street. He informed they would like this lot split so they can build residences that are in conformity with the RS-3 District which is right across the street. He does not know of any protestants to this application. He informed that the Planning Commission set forth certain drainage requirements that would be part of the building permit process. They have no problems with satisfying those.

Protestants:

Bill Jackson, 11931 East 14th Street, informed he owns the west-half of the lot. He has no objection to the variance the applicant is requesting, but he would like some kind of explanation of the drainage conditions. His objection would be to the drainage problems this could cause in the area.

Charles Knight, 1312 South 121st East Avenue, owns the property just north of the subject property. He is not protesting the application--he wants it to be granted. He is concerned with the water problem in the area. He described the problem in the area.

Applicant's Rebuttal:

Mr. Roberts informed the applicant has no problem with what the protestants asked for, and it is their understanding that that will be resolved in the permit process.

Case No. 12979 (continued)

Comments:

Mr. Smith asked Mr. Gardner if this was subject to a plat, and Mr. Gardner informed this was a lot split with several conditions similar to what would be required in a plat.

Mr. Smith informed Mr. Jackson that the drainage has to be handled by the Hydrology section of the City Engineering Department. If approval is granted, it will be conditioned upon the approval of the drainage plans.

Mr. Gardner informed making approval of the Hydrology Department a condition could be done.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the following: (1) The required lot width from 75' to 77.5', 70', 70', and 87.7' respectively, (2) the required lot area from 9,000 sq. ft. to 7,873 sq. ft., 7,113 sq. ft., 7,113 sq. ft. and 8,909 sq. ft. respectively, and (3) the required land area from 10,875 sq. ft. to 9,811 sq. ft., 8,861 sq. ft., 8,861 sq. ft., and 14,267 sq. ft. respectively to permit a lot split (L-16071) in an RS-2 District under the provisions of Section 1670, subject to the drainage plans being approved by the City Hydrologist, on the following described property:

The East 1/2 of Lot 6, Block 5, Elm Hurst Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12980

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1209 - Request for a variance of the following:

- 1) Lot width from 60' to 43.5',
 - 2) lot area from 6,900 sq. ft. to 5,220 sq. ft. and 5,600 sq. ft. respectively, and
 - 3) side yard setback from 5' to 0'
- to permit a lot split in an RD District under the provisions of Section 1670, located north of the NW corner of East 41st Street and South 125th East Avenue.

Presentation:

Wiley Bryant, III, 5156 East 37th Street, represented the owner of the subject property. He is trying to get the duplexes separated into individual properties so they can be sold separately. He feels that this separation will increase the value of the addition. These duplexes are existing. He submitted a plot plan (Exhibit "D-1").

Protestant:

Douglas Woodward, 3902 South 125th East Avenue, informed he owns the duplex next door to the subject property. He has a concern in that with individual ownership of two attached buildings there could be a

Case No. 12980 (continued)

problem with exterior maintenance and conformity of the single building.

Comments:

Mr. Smith informed the protestant he does not think the Board can help with his concern.

Mr. Victor informed what the applicant is requesting is a very common application these days.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1209) of the following: (1) Lot width from 60' to 43.5', (2) lot area from 6,900 sq. ft. to 5,220 sq. ft. and 5,600 sq. ft. respectively, and (3) side yard setback from 5' to 0' to permit a lot split (L-16077) in an RD District under the provisions of Section 1670, per plot plan, on the following described property:

Lots 4 and 5, Block 14, Park Plaza East Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12983

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request for a variance of the street frontage requirement from 30' to 10' to permit a lot split in an RS-2 District under the provisions of Section 1670,

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request for a variance of the lot width from 75' to 10' to permit a lot split in an RS-2 District under the provisions of Section 1670, located west of the SW corner of East 66th Place and Rockford Avenue.

Presentation:

The applicant, Chad F. Stites, 1144 East 64th Street, was not present. A plot plan was submitted (Exhibit "E-1").

Protestant:

Joyce Wolcott, 1376 East 66th Place, informed she needs to leave and requested that this case be continued to a future meeting. She informed they do not want to keep coming down here if the applicant is not going to show up.

Comments:

Mr. Smith explained to the protestant what a continuance would mean.

Mr. Victor informed that the Board cannot really deny this case at this time without hearing from the applicant.

Mr. Gardner informed the applicant is wanting to build a house behind a house on a flag lot. He explained the application.

Case No. 12983 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 12983 to the February 23, 1984, meeting.

Case No. 12986

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the side yard requirement from 5' to 4' to permit an addition to an existing dwelling in an RS-3 District under the provisions of Section 1670, located south of the SW corner of East 16th Street and South Gary Ave.

Presentation:

David Kinzer, 1615 South Gary Avenue, submitted a plot plan (Exhibit "F-1") and presented three letters from adjoining property owners who are in support of this application. He will just be lining up with the existing structure on the north side.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the side yard requirement from 5' to 4' to permit an addition to an existing dwelling in an RS-3 District under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 21, Block 7, Exposition Heights Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

NEW APPLICATIONS:

Case No. 12978

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.

Variance - Section 440 - Special Exception Uses In Residential Districts, Requirements - Use Unit 1209 - Request for a variance of the 1-year limitation to 5 years in an RS-3 District under the provisions of Section 1670, located south of the SE corner of West 58th Street and South 32nd West Avenue.

Presentation:

Fred Walker, 5815 South 32nd West Avenue, informed he would like to have the mobile home on his property for his mother-in-law to live in. She is not in good health and she needs someone to take care of her.

Case No. 12978 (continued)

There is a mobile home located about two blocks behind them. The property is on septic. He has had a percolation test run on the property. He presented a report from the Health Department. They will have a separate septic tank for the mobile home. The Health Department has advised them as to what they need to do in setting up the mobile home. The mobile home is 12' x 55' and will be set on the north 50' lot and will be the only thing on that lot. He lives right next to the subject property.

Protestants:

David Fuller, 3130 West 58th Street, informed the mobile home in the area has been moved into the area illegally. They did not receive permission to move it in and they have had notice served on them. He informed that the sewage from the applicant's property comes to his property already. He submitted a letter from Roy Wilson, Chief of the Environmental Protection Division, stating that their lots are not any good for septic tanks (Exhibit "G-1"). Mr. Fuller pointed out that there is nothing peculiar about the applicant's land that would justify the variance for more than one year if it is approved. He stated that he is objecting to this application. He stated that he has no desire to have a mobile home moved in the neighborhood, but his biggest concern is the septic tank and the sewage.

Howard Weir, 5812 South 31st West Avenue, lives directly behind the applicant. He agrees with everything that Mr. Fuller stated. He has quite a bit more moisture in the ground from sewer than Mr. Fuller does. Any added sewer or lateral lines will create more problems for him. He lives east of the subject property. He informed that the nearest sewer is about 3 blocks away. He opposes any additional sewage being put in the soil, but he also opposes the mobile home being put in because he is concerned about a precedent it could set.

Applicant's Rebuttal:

Mr. Walker assured the Board that they are not trying to degrade the area. He informed that his lateral lines are on the south side of his home going west, and the protestants both live east and north of him. His sewage does not run toward their property. The mobile home will be fully skirted and will have a patio/porch. It will be placed on a 150' by 50' lot.

Comments:

Mr. Smith informed they have two conflicting letters from the State Health Department talking about the same piece of property. He feels that that needs to be resolved before this Board acts on it.

Mr. Victor informed in his mind he is not sure that the installation of the lateral lines and septic system is necessarily a concern of this Board. That is a Health Department concern. He is not sure this is a suitable place for a mobile home.

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 DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions

Case No. 12978 (continued)

of Use Unit 1209) to permit a mobile home in an RS-3 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 1-year limitation to 5 years in an RS-3 District under the provisions of Section 1670, on the following described property:

The North 50 feet of Lot 4, Block 2, Summit Park Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12981

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit a camper and mobile home park for over night travelers in a CS District under the provisions of Section 1680, located at the SE corner of Union Avenue and Skelly Bypass.

Presentation:

Charles C. Cline, 4739 South Sante Fe, submitted a packet of plans (Exhibit "H-1") and explained them. He informed this piece of property sits in a low place on the southeast corner of Interstate #44 and Union Avenue. He originally applied for this in 1965. Since that time a lot of the property has been determined to be in the floodplain and is not suitable for building anything that will be permanent. There will be a laundry facility, shower, and an office. These buildings will be located out of the floodplain area. He informed he got the property rezoned in 1965 for this purpose. It was originally zoned for 70 spaces. Because the size of the trailers has increased, they now plan to have fewer spaces. There has never been anything on the subject property. He informed there is 50 feet of right-of-way from the centerline of Union.

Protestants: None.

Comments:

Mr. Gardner informed he thinks the use is a good use based on the other uses in that particular area. The property was zoned back in 1965--at that time they didn't zone anything without making it subject to a plat. He is curious as to whether or not the property was platted prior to the zoning going on the map. From looking at the descriptions, it appears that it might be platted, but platted as residential lots.

The applicant informed the property has never been platted for residential lots. The only platting that has been on it was the 2 1/2 lots.

There was discussion about whether or not the property has been platted.

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 710 - Principal Uses Permitted in the Commercial Districts - under the

Case No. 12981 (continued)

provisions of Use Unit 1217) to permit a camper and mobile home park for over night travelers in a CS District under the provisions of Section 1680, subject to the applicant meeting the requirements of the Major Street and Highway Plan, on the following described property:

Lots 7, 8, and 9 lying South of the Skelly Bypass, except the South 25 feet of the West 215 feet of Lot 8, Cameron Clines
Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-1 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; Purser, "abstaining"; none, "absent") to amend the motion on Case No. 12981 to tie approval to the Plot Plan presented to the Board at the time the presentation was made.

Case No. 12982

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request for an exception to permit a single-family dwelling to be used as a duplex in an RS-3 District under the provisions of Section 1680, located south of the SW corner of East 43rd Street and South Madison Avenue.

Presentation:

Tim Newby, 1137 East 37th Street, submitted some maps (Exhibit "I-1") and informed he is present on behalf of the current owner of the subject property. He has made a bid to purchase the house on the subject property. His parents who are presently living in Atlanta, are interested in the house as a retirement home. They will be retiring in about 5 1/2 years. In order to financially arrange this, they want to be able to rent out the back portion of the house, which is an addition to the original structure. He and his wife will be occupying the front part of the structure. The purchase of the house is contingent upon getting this approval. He described the surrounding area--there are four existing duplexes within a block of the subject property. He informed this is a mixed-use area. They are only asking for the permission to be granted for a period of six years until his parents move to Tulsa and occupy the house as their retirement home. He submitted two photographs to indicate that there will be adequate parking (Exhibit "I-2"). No exterior modifications would be required to change this to a duplex. He informed they are not interested in having common access to a kitchen facility.

Protestants:

Harry Geatches, 3006 East 51st Street, #22, owns the property one block east of the subject property. He informed that the neighborhood is 35 years old, but it is a neat single-family neighborhood. On the block of the subject property, all the houses are single-family. The addition to the house on the subject property is connected to the main dwelling. He does not see any reason for this to be turned into a duplex area even for 5 1/2 years. He is concerned about a precedent this could set in the area. The area has been improving.

Case No. 12982 (continued)

Robert Awenius, 4311 South Detroit Avenue, informed he is opposed to the application because it would change a single-family area to a duplex area. He feels that their property values will be decreased.

Thomas Adkins, 4334 South Norfolk Avenue, pointed out that the existing duplexes were designed and built as duplexes with adequate parking and adequate driveways. The apartments are also designed for apartments and have adequate parking for all of the tenants. He feels that the reduction of the living area of that house to two families is a degradation of the zoning and the use of the property.

Allene Crowe, 4336 South Madison Place, concurs with what has been said. She feels that this will depreciate the value of their property. The only apartments are at the end of the block. They do nothing for the community.

A petition was submitted in protest of this application (Exhibit "I-3").

Applicant's Rebuttal:

Mr. Newby informed he could rent out sleeping rooms. He does not see how a duplex could cause any more negative results than just renting out rooms would cause. He does not think that parking is an issue, because if he rented out rooms there would be the same number of cars. He informed there are two pieces of property for sale on the block of the subject property. If he is able to buy this piece of property, the owner is planning to buy the other piece of property. This would mean that both pieces of property would be closed on which would raise the property values.

Comments:

Mr. Victor asked the applicant what facilities the addition has in it. Mr. Newby informed it does not have a kitchen yet. It has a bath, bedroom, and a very large living room. They would put in a small kitchenette facility.

Mr. Victor asked Mr. Jackere what the current law is on being able to rent a room in a single-family district. Mr. Jackere informed a person can rent to two unrelated persons. There cannot be a separate kitchen facility in a situation like that.

Mr. Gardner informed if the applicant did not have another kitchen, he could rent out part of the single family structure to 2 individuals. This would not be like renting an apartment, because they would not have a kitchen.

Mr. Victor is concerned that approval of this kind of use would set a precedent in the area.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1207) to permit a single-family dwelling to be used as a duplex in an RS-3 District under the provisions of Section 1680, on the following described property:

Case No. 12982 (continued)

Lot 5, Block 1, Pasadena Addition of the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12984

Action Requested:

Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1217 and Use Unit 1227 - Request for a variance to permit storage of inoperable vehicles for dismantling and/or restoration in an IL District under the provisions of Section 1670, located west of the SW corner of East Pine Street and South 129th East Avenue.

Presentation:

Thomas D. Kivell, 7666 East 61st Street, Suite 240, informed his client, Brian Holliday, owns the subject property. Mr. Kivell informed that his client is currently in possession of a used motor vehicle dealers license issued by the Used Motor Vehicle Parks Commission of the State of Oklahoma. He has been prohibited from purchasing disabled vehicles through any pool in the State of Oklahoma without having a dismantlers and salvage operators license. They do not have any intent of operating a salvage yard on the premises. They plan on just bringing in disabled cars which will be repaired by parts brought in from other places. The parts will be kept in an enclosed building which is already located on the property. They want the ability to buy used vehicles in Oklahoma instead of having to go to other states to buy them. This is an accessory use to his used car dealer license. The cars the applicant wants to buy are inoperable cars that Mr. Holliday restores and then sells to the public. He has been doing this on the premises through his used car dealership. They just want this permission so they can purchase the cars locally. They will not in any way change the activity that is going on at the premises right now. They will not add any additional cars. They are willing to limit the number of cars, and if the Board requires, they are willing to screen the cars. They will not be selling any car parts. They renovate used corvettes and sell them to the public or exhibit them. There will be body and fender work done on the property. Most of the cars will be corvettes. The work will be done inside a covered building. Mr. Holliday's residence is located on the front part of the premises and he has been doing this for five years. They will be able to keep the majority of the business inside. There will be no storage outside. If he needs to store something outside, he would be willing to screen it with a privacy fence. He owns 2 1/2 acres at this location. His storage building is 30' by 40'. There will not be wrecked cars brought in and just stored. He described how the buildings are situated on the property. He submitted 5 photographs (Exhibit "J-1").

Protestants:

Ken Cox, 4100 Bank of Oklahoma Tower, represented Williams Realty Corporation. They own approximately 200 acres of land in this area. He submitted a map showing the location of their properties and their proximity to the subject tract (Exhibit "J-2"). Their property is immediately across the street from the subject property. The Williams Realty Corporation is quite concerned about what goes on on the property. The property owned by the Williams Realty Corporation is

undeveloped at the present time, and it will probably be a year or two before it is developed. There is no sewer presently available in the area. If this is approved, he would like to have certain conditions placed on it. He suggested that it be limited to the storage of three vehicles at any one time, that the vehicles be stored inside and that there be no outside storage unless it is screened, and that the variance be limited to this applicant. He is concerned that the property might take on the appearance of a salvage yard.

Tom Creekmore, 201 West 5th Street, represented the landowner to the east and south of the subject property. He thinks that his client would be in agreement with the comments that Mr. Cox made; however, he has not consulted with his client on that point, so he feels he must still protest the application on the basis that it is strictly defined to be used as a salvage yard. He would be willing to consult with his client given the proper opportunity to do so, to determine whether or not those objections might be satisfied by the conditions previously outlined. He wanted this to be continued so he could discuss the conditions suggested with his client.

Applicant's Rebuttal:

Mr. Kivell informed that the applicant does not have any problem with any of the conditions that Mr. Cox mentioned.

Protestants' Comments:

Mr. Creekmore informed he called his client and his client informed him that he would like two other conditions placed on this. One is that they would like a six foot privacy fence placed around the property, and the other is the understanding that the only disabled cars that would be on the property would be corvettes.

Comments and Questions:

Mr. Victor asked the applicant how many cars would be on this property in various stages of doing something with them. The applicant informed that, considering the fact that he does run a used car dealership, they would have about 12 at any given time. Six to eight of those would be cars that are up for sale, and he would have three or four cars that he would be working on at any one time. He has a paved parking lot on the front part of his property that he uses for the car lot. This is a small sole-proprietorship--he is the only employee.

Mr. Victor asked the applicant how he advertises for the sale of the vehicles, and Mr. Holliday informed that he is more of a wholesaler than he is a retailer. He occasionally runs an add in the paper. Many of his cars are sold out of state to other dealerships which put them on retail car lots. The majority of his clients come to the property to see him specifically.

Mr. Victor asked the applicant about the surrounding area, and Mr. Holliday informed that the closest house is about 4 acres across from him.

Mr. Victor asked what the applicant's comments were concerning screening. Mr. Holliday informed that if he cannot keep the cars or the pieces inside, he would not mind screening them so that they are not

Case No. 12984 (continued)

in public view. Mr. Kivell pointed out again that they do not want to operate a salvage yard.

Mr. Victor asked if the applicant can live with a limit on the number of cars he can have on the property, and the applicant informed that they can live with the limit of having three cars at any one time that were not being offered for sale on the property. The applicant does not want to have a limit on the number of cars for sale on the lot, because the property is zoned for that purpose.

The applicant informed that many times they do have vehicles other than corvettes on the property. They feel that it would be substantial for them to be limited to the number of motor vehicles excluding trucks.

Ms. Purser asked how big the garage is that the applicant works in. Mr. Holliday informed that one of the buildings is 25' by 15' and the other one is 30' by 30'.

Ms. Purser informed she does not have any problem with the property not being fenced as long as he can keep all the parts inside. Mr. Kivell informed that none of the parts are ever left out overnight. There might be something outside while they are working on a vehicle.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 910 - Principal Uses Permitted in Industrial Districts - under the provisions of Use Units 1217 and 1227) to permit storage of inoperable vehicles for dismantling and/or restoration in an IL District under the provisions of Section 1670, subject to the following conditions:

- (1) That the use be limited to this owner only;
- (2) that the maximum number of cars in the process of being restored should be limited to three;
- (3) that all work and storage will be limited to either enclosed areas or screened areas; and
- (4) that the sales of vehicles on the property will be limited to automobiles and trucks, 3/4 ton and less,

on the following described property:

The W/2 of the E/2 of the NW/4 of the NE/4 of the NE/4 of Section 32, Township 20 North, Range 14 East, of the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12985

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1223 - Request for a variance to permit a trucking establishment in an RS-2 District under the provisions of Section 1670.

Variance - Section 1340 - Design Standards for Off-Street Parking Areas - Use Unit 1223 - Request for a variance of the required dust-

Case No. 12985 (continued)

free all-weather surface to allow for gravel parking lot in an RS-2 District under the provisions of Section 1670, located at the NE corner of East 5th Street and South 129th East Avenue.

Presentation:

Thomas D. Kivell, 7666 East 61st Street, Suite 240, informed that the applicant owns Lots 15 and 16 in Block 3 of Meadowbrook Addition. They have an agreement with an adjoining landowner, Mr. Melvin Briggs, providing for a roadway and parking easement with an option to purchase (Exhibit "K-1"). Mr. and Mrs. Wagoner run TLV Trucking which is a sole-proprietorship. They would like to be able to maintain and store the vehicles on the premises during the evening hours--they are usually on the road during the day. He informed that Mr. Wagoner has asphalted a portion of the premises. He presented an aerial photograph. He pointed out that approximately three years ago a request for a variance was granted and there is a truck repair welding shop business being conducted at the far north end of this tract of land. The operator of the welding shop has access to 130th East Avenue--use of 129th East Avenue was prohibited by a condition placed by the Board. The applicant read from the Minutes of the previous case. He submitted 3 photographs (Exhibit "K-2").

Terry Wagoner, 441 South 129th East Avenue, showed the Board on the aerial map the part of the tract he has asphalted--he has asphalted about the south 1/3rd of the lot. He informed that since they have moved on the tract, they have completely renovated the property and are in the process of rebuilding it all.

Protestants: None.

Comments:

Ms. Purser requested that the Building Inspections Department check the case where the welding shop was given approval. Her recollection was that the Board prohibited the use of 130th East Avenue. The applicants informed that use of 129th was what was prohibited.

Mr. Gardner informed in the previous case, the applicant's house covered most of the width of his lot and he had to put his use behind the house. He would have had to have removed his garage in order to get access.

Mr. Gardner recalled from the previous case that the activity was already going on and the man lived there on the premises. He asked if this applicant lives on the premises and if there is a business going on right now. Mr. Kivell informed that the applicant does live on the subject property. He described how the business normally works. He started the business there without being aware that he needed special permission.

Mr. Victor asked what kind of trucks the applicant has. The applicant informed he has truck tractors and trailers. He informed he has three trucks and five trailers. Three of the trailers are 30 feet long and two of them are 40 feet long.

Ms. Purser asked if there are other houses in this neighborhood. The applicant described the surrounding area.

Case No. 12985 (continued)

Ms. Purser asked Mr. Gardner why this particular neighborhood has not developed. Mr. Gardner informed there has been no water and sewer to the property for many years. Mr. Smith informed there is limestone right on the surface. Mr. Gardner described where the nearest sewer is in the area. Mr. Gardner informed there has been no application to rezone the property because it would be strip-zoning.

Mr. Victor informed he would like to view the site.

Ms. Purser informed she has a problem with this because it puts the Board in the zoning business, and she does not think that is appropriate.

Mr. Jackere informed the Board is in the zoning business only if they cannot support the application through the finding of a hardship. He feels that the applicant has said that the hardship is that he could not use the property for single-family purposes only because of the use that has been permitted next door. This is not that much different than the other use--it may even be less intrusive.

Mr. Gardner described the history of the area surrounding the subject property.

Ms. Purser discussed the conditions of a previous action of this Board in this area. The Board did not allow employees in the previous case. Mr. Kivell informed the applicant will not have employees as such--they are independent contractors.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-1 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; Purser, "abstaining"; none, "absent") to continue Case No. 12985 to the February 23, 1984, meeting to allow the Board members time to view the site.

Case No. 12987

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 following: 1) Lot width from 60' to 49', 35', and 30',
2) lot area from 6,900 sq. ft. to approximately 3,595 sq. ft. on 18 lots, and
3) side yard setback from 5' to 0'

in order to permit a lot split in an RD District under the provisions of Section 1670, located west of the NW corner of East 17th Place and South Garnett Road.

Presentation:

Stephen A. Schuller, 610 South Main Street, Suite 30, represented the various owners of the property. These are several duplex lots in a residential duplex District. The duplexes have already been built and there is no change proposed for the character of this neighborhood nor any change in the density. The present density on the properties is less than the maximum density permitted in the district. The

Case No. 12987 (continued)

purpose of this application is to permit a change of the ownership of the lots so that each half of the duplex would be separately owned rather than the entire lot being owned by one person. This would be consistent with the surrounding neighborhood which is single-family dwellings. This was proposed as a lot split application before the Planning Commission. The Planning Commission approved the lot split application, subject to the granting of these variances by this Board. The granting of these variances would not cause any detriment to the public good nor impair the spirit or purposes or intent of the Code or the Comprehensive Plan. This is an exceptional situation within this District, and a literal enforcement of the Code would provide an unnecessary hardship on the owners of the properties. He submitted plats of survey for the subject tracts (Exhibit "L-1").

Protestants:

Mr. Smith read from a note which requested that the Board require the applicant to construct a 6-foot stockade fence along the south perimeter of the property (Exhibit "L-2").

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the following: (1) Lot width from 60' to 49', 35' and 30', (2) lot area from 6,900 sq. ft. to approximately 3,595 sq. ft. on 18 lots, and (3) side yard setback from 5' to 0' in order to permit lot splits (L-16084, L-16085, L-16086, L-16087, and L-16088) in an RD District under the provisions of Section 1670, per survey submitted, on the following described property:

Lots 1, 2, 3, 4, 5, and 6, Block 1, and Lots 2, 3, and 4, Block 2, Garnett Meadows Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12988

Action Requested:

Special Exception - Section 220 - Height Exceptions - Use Unit 1206 - Request for an exception of the maximum height requirement from 60' to 100' to permit a wind generator in an RM-2 District under the provisions of Section 1680.

Variance - Section 420.1 - Accessory Uses In Residential Districts - Accessory Uses Permitted - Use Unit 1206 - Request for a variance to permit a wind generator as an accessory use in an RM-2 District under the provisions of Section 1670, located west of the NW corner of West 11th Place and 53rd West Avenue.

Presentation:

John Ramsey, 2139 East 21st Street, submitted some plans (Exhibit "M-1") and informed the applicants would like a wind generator on their premises. This would be a one kilowatt wind generator on a

self-supporting tower. The system is small--he described it. In order for the generator to function properly in that area, it needs to be located on a 100-foot tower. The tower will be self-supporting--it will only take up 8 square feet at the base. There are no guy wires associated with this system. Ten cubic yards of concrete will go in the ground and will make a patio-slab in the back yard on which the 100-foot tower will be affixed to. The applicants own just the one lot. The tower could be set anywhere in the center of the lot. The lot is 150' x 50' and the back yard is 50' by 45'. Any eight square feet in that area would be suitable. If the tower were to go down, it could hit one of the adjoining houses. The engineering specifications on the tower would have to meet with City approval. He submitted a structural analysis of the tower (Exhibit "M-2") and informed there are over 170 of these units currently in operation in the State of Oklahoma at this time. Many of those are in residential areas. He submitted a ground-base detail plan for the proposed tower (Exhibit "M-3"). Mr. Ramsey pointed out that there is no noise associated with this system. There is also no possibility for radio and television interference as a result of this operation. He submitted copies of 5 pictures of a similar generator and tower (Exhibit "M-4"). They have not yet installed the generator on the subject tract.

Protestants:

Nelva Bowline, 5329 West 12th Street, informed she is concerned with the height of the tower. She submitted a petition from 35 people in the area who do not want this in the area (Exhibit "M-5"). Most of the people were objecting to the height of the tower--they were concerned that it might fall. The petition signers were also concerned that this would decrease the value of their property.

Mildred Snyder, 5329 West 11th Place, lives two doors down from the subject property. Her concern is how they will keep the tower up with no guy wires. She does not feel there is room enough on their small lots for a tower like this. She also informed that they are on sand out there.

Applicant's Rebuttal:

Mr. Ramsey informed the tower has a safety factor of two at 120 miles per hour. It would take a 240 mile an hour wind to topple the tower. He feels the question of devaluation of the neighborhood could be looked at both ways. If the applicants want to sell their property, they are able to sell a house and a utility system that will generate self-sufficiency. They will be able to command a higher price for that property than they would by having a standard home. Concerning the problem of sand, the installation would be put in according to all appropriate engineering standards regarding soil conditions so that the system would be properly anchored to the satisfaction of anybody and everybody concerned. Mr. Ramsey informed that perhaps a lot of the reservations of the neighbors just stem from the fact of unfamiliarity. He does not feel that everyone in a neighborhood would want a wind generator--it is only one alternative to energy conservation.

Comments:

Mr. Victor informed if the winds were strong enough to blow the tower over, there probably would be other parts of the houses blowing off

as well. The tower is probably designed for a higher windload than the houses are. From the standpoint of safety, it is as safe as anything in the area.

Mr. Smith had a question as to the safety factor of the tower.

Mr. Gardner informed he has a problem with the size of the tower and the size of the lots. He asked if there was anything different about this lot.

Mr. Victor feels the tower is a solution to conservation of energy and he has no real questions as to the structural integrity of the items. He does think that it has to be suitable to the area and something that is accepted by the surrounding neighbors.

Mr. Victor wondered if the applicant had a chance to take any of the protestants to see an installation. The applicant informed he could suggest six or seven sites that are within 25 miles of Tulsa that are currently in operation. One of the protestants informed she would not be interested in seeing one that is 25 miles away.

Mr. Jackere informed the Board does permit a flagpole and doesn't have any limitations on the height of the pole in a residential district. A flagpole is a structure and would require a building permit. The Building Inspector will not allow those to be installed unless it is installed in a safe and proper way with appropriate engineering computation and certification by a professional engineer or architect as to its installation.

Mr. Smith feels it boils down to whether or not one could be allowed on each lot in the City of Tulsa.

Mr. Jackere informed he feels the Board will reach a point, except for a height variance, that the more of these that are granted, the more likely this will be considered a customary use. That is the reason for the exception they have asked for. Right now they are not customary and accessory to the residential uses.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-1 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; Purser, "abstaining"; none, "absent") to DENY a Special Exception (Section 220 - Height Exceptions - under the provisions of Use Unit 1206) of the maximum height requirement from 60' to 100' to permit a wind generator in an RM-2 District under the provisions of Section 1680, and a Variance (Section 420.1 - Accessory Uses in Residential Districts - Accessory Uses Permitted - under the provisions of Use Unit 1206) to permit a wind generator as an accessory use in an RM-2 District under the provisions of Section 1670, on the following described property:

Lot 7, Block 4, Cunningham Addition, to the City of Tulsa,
Tulsa County, State of Oklahoma.

Case No. 12989

Action Requested:

Variance - Section 1221.5 (3) (62) - Business Signs and Outdoor Advertising - CS District Use Conditions - Use Unit 1221 - Request for a variance of the maximum one square-foot per each lineal foot of front building for aggregate display surface area to permit an additional 32 sq. ft. of sign area in a CS District under the provisions of Section 1670, located west of the NW corner of East 41st Street and South Garnett Road.

Presentation:

The applicant, Dave Weaver, 5747-B East Admiral Place, was not present.

Protestants:

One of the protestants needed to leave and requested that this case be continued.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12989 to the February 23, 1984, meeting.

Case No. 12990

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1202 - Request for an exception to permit a tent to be used as a temporary construction shelter in an RS-3 District under the provisions of Section 1680, located east of the SE corner of East 36th Street and South 152nd East Avenue.

Presentation:

James F. Crane, 1305 West Detroit Avenue, Broken Arrow, is the president of Tri-Star Construction, Inc. He informed they have erected a 30' x 50' cloth tent for their workmen to work under in inclement weather conditions in the construction of single-family residential houses. They were not aware of a variance being needed until they were cited by the City of Tulsa. The tent will probably be needed on the site for about another 30 days. The tent blew away last Saturday, so it is not on the site now. He owns all the real estate that is developed in this area. All the surrounding property is undeveloped property. They do not know of any protestants to this application. The work done in the tent is mostly the building of framing components. It is used for construction of components to be used in the subdivision to the west. They have not used the tent for its purpose. They do not live in the tent. He has a residence in the subdivision. They have temporary power on a lot directly north on which they have erected a single-family house--they run an extension cord to the tent when needed. He presented a map and informed there are occupied homes within one-hundred feet of the subject property. He informed he has the permission of the lot owner to use the lot in the proposed way.

Protestants: None.

Comments:

There was concern because this was to be used for building off-site.

Case No. 12990 (continued)

Mr. Gardner informed he feels the key to this is the temporary aspect.

Mr. Jackere informed he does not have a problem because the property is being used for the construction of things that are being used within a relatively short distance away. The Zoning Code does, however, require that he have the consent of the owner of any dwelling within 100 feet of the site. The Board can construe no protest as being consent.

There was discussion about why the applicant made his application and about how long he would like the special exception granted for.

Board Action:

On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1202) to permit a tent to be used as a temporary construction shelter in an RS-3 District under the provisions of Section 1680, for a period of 30 days use not to exceed 60 days from February 9, 1984, on the following described property:

The South 100 feet of the West 150 feet of the NE/4 of Section 22, Township 19 North, Range 14 East, of the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 12991

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1208 - Request for an exception to permit a mobile home in an RM-2 District under the provisions of Section 1680.

Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1208 - Request for a variance of the one year time limitation to indefinitely for a mobile home in an RM-2 District under the provisions of Section 1670.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1208 - Request for a variance of the one single-family dwelling per lot to permit two dwellings per lot of record in an RM-2 District under the provisions of Section 1670, located west of the SW corner of Oklahoma Street and South Lewis Avenue.

Presentation:

Bob C. Lees, 2241 North Yukon Avenue, informed this is a one-acre tract, and, with the exception of the northeast corner, the ground is now vacant. There is a small house on the northeast corner. He would like to put a 28' x 44' double-wide mobile home on the lot for his use. He will also put in a driveway and a garage and will fence the property. The skirting of the mobile home will be bricked up half way. The existing home is on Oklahoma Street. There is 124' of frontage on Oklahoma Street. This is really two lots, but it has never been platted as single lots. They have owned this property for 60 years. He does not know of any mobile homes in the area. This will look just like a house--it has 1,148 sq. ft. and part of it has a pitch roof.

Case No. 12991 (continued)

Protestants: None.

Comments:

Ms. Purser informed that it is just a legality that this is not two lots--it looks like two lots.

Ms. Purser asked the applicant if there was a reason that he is not placing the mobile home in the mobile home park to the south. Mr. Gardner informed there is a difference in a single-wide transportable unit that can be moved in and out and a double-wide mobile home which is fairly permanent. He is asking for this to be permanent and he does not have the choice of putting a permanent double-wide in a mobile home park.

Mr. Gardner informed some double-wides that are made permanent look just like a house and some double-wides look like a mobile home. He suggested that the Board find out what the applicant intends to do.

Mr. Smith asked about the general character of the neighborhood. There are a lot of old frame houses in the area.

Ms. Purser asked if the applicant could return in two weeks with a picture of a prototype that is already established on a lot. He thought he could.

Mr. Victor asked if the definition of a mobile home has been changed or if any interpretations have been made. There was discussion about the definition given to mobile homes in the Zoning Code.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12991 to the February 23, 1984, meeting to allow the applicant to return with pictures of his mobile home.

Lot 29, except the West 50 feet of the North 142.5 feet,
Springdale Acre Lots Addition to the City of Tulsa, Tulsa
County, State of Oklahoma.

Case No. 12992

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Units 1205 and 1214 - Request for an exception to permit a private club for business clients in an IL District under the provisions of Section 1680, located at Tulsa Airport.

Presentation:

D. J. Hatz, P. O. Box 51141, submitted some plans (Exhibit "N-1") a plot plan (Exhibit "N-2"), and a photograph (Exhibit "N-3"). He informed he was before this Board about two years ago asking for permission to install a swimming pool at the location. They are in an aircraft operations area, and as such, the access to their facility is extremely limited. They do service about 80 to 85 corporate aircraft. They have about 500 transient clients which come to their

Case No. 12992 (continued)

facility. They have had numerous requests to open and operate a private club upon the premises for the clients' use and enjoyment. This would be installed in the swimming pool complex immediately behind the chain house. This would be primarily intended for their business clients. There is extremely limited access since it is controlled by electric gates, etc. Pending this approval, they will still have to be licensed by the City of Tulsa as well as receiving approval from the Tulsa Airport Authority to have this exception to their lease. This will not be open to the general public. The only people that have access to their facility are those that have some business there. This club will be for the consumption of alcoholic beverages pursuant to City Ordinances.

Protestants: None.

Comments:

There was discussion as to how a motion should be worded to limit the clientele of the club.

Mr. Gardner informed the Staff does not have a problem with this because of where it is located--it is controlled.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-1 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; Wait, "abstaining"; none, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - under the provisions of Use Units 1205 and 1214) to permit a private club for business clients in an IL District under the provisions of Section 1680, on the following described property:

A tract or parcel of land at Tulsa International Airport, located in Section 23, Township 20 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows:

Starting at the Northwest corner of Section 23, Township 20 North, Range 13 East; thence East a distance of 2,629.78 feet; thence South a distance of 2,014.85 feet to the point of beginning; thence South $52^{\circ}-37'-34''$ East a distance of 20.00 feet; thence North $37^{\circ}-22'-26''$ East a distance of 345.00 feet; thence South $52^{\circ}-37'-34''$ East a distance of 91.33 feet; thence South $3^{\circ}-04'-28''$ West a distance of 266.00 feet; thence South $31^{\circ}-57'-26''$ East a distance of 201.47 feet; thence South $58^{\circ}-02'-34''$ West a distance of 141.24 feet; thence South $3^{\circ}-04'-28''$ West a distance of 91.14 feet; thence North $86^{\circ}-55'-32''$ West a distance of 360.00 feet; thence North $3^{\circ}-04'-28''$ East a distance of 273.00 feet; thence North $37^{\circ}-22'-26''$ East a distance of 130.63 feet, to the point of beginning, containing 4.40 acres, more or less.

Case No. 12993

Action Requested:

Variance - Section 420.2 (e) - Permitted Yard Obstructions - Use Unit 1206 - Request for a variance of the maximum area of 750 square feet to permit construction of a 4,800 square-foot accessory building in an RS-1 District under the provisions of Section 1670, located east of the SE corner of Columbia Circle and East 31st St.

Presentation:

The applicant, Jerry Atchison, 2930 East 51st Street, requested by letter (Exhibit "0-1") that this case be withdrawn.

Protestants: None.

Board Action:

On MOTION of WAIT and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to withdraw Case No. 12993.

Case No. 12994

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.

Variance - Section 440.6 (c) - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for a variance of the time limitation from one year to permanently in an RS-3 District under the provisions of Section 1670, located south of the SE corner of North Atlanta Place and Tecumseh Avenue.

Presentation:

Warren Long, 1823 North Atlanta Place, informed he would like to put a double-wide mobile home at 1913 North Birmingham Place--this is not the address that was advertised for this case. The lot he would like to put the mobile home on is 125 feet by 150 feet. He presented a picture of the subject property.

Protestants:

Ted Cotton, the District 3 representative of the Greater Tulsa Council, requested by letter (Exhibit "P-1") that this case be continued for two weeks for them to do more research on the case. The applicant informed he may have to go into the hospital and would like for the case to be heard at this meeting. The Board decided to go ahead and hear the case.

John Palovik, Route 1, Box 138, informed the person who is buying his property in the area of the advertised property did not receive notice in time to attend this meeting. Mr. Smith informed him that this was going to be continued. Mr. Gardner informed him that the applicant gave the address of the place he is residing instead of the property where he wants to place the mobile home. Mr. Palovik wondered why he received notice instead of the buyer of the property. Mr. Jackere informed Mr. Palovik that this Board will not take any action on the lot that he is interested in and the County records apparently still show him as the owner of the property.

Case No. 12994 (continued)

Comments:

Mr. Smith informed the applicant gave the wrong information when he made his application. This probably needs to be continued so the case can be readvertised.

Mr. Gardner informed the Staff would do their best to have this re-advertised by February 23, 1984.

Ms. Purser asked the applicant to bring a picture of the mobile home to the next meeting.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to continue Case No. 12994 to the February 23, 1984, meeting.

OTHER BUSINESS:

Case No. 12941

Action Requested:

Review of Plot Plan and Elevations.

Presentation:

Jack Stacy, 9640 East 25th Street, presented his plans and described them. He informed that each side of the duplex now has about 1,750 square feet. They are planning a lattice covered walkway from one front door around to the driveway on the east side. The building will be 108 feet long--they have only 29 feet of depth to work with. He informed this lot has 11 trees on it--6 of which sit in the front of the house, 3 on the east side, and 3 in the back yard. The appearance from the street will be broken up by the trees.

Protestants: None.

Comments:

Mr. Gardner described the Planning Commission action on this lot split and what took place at the previous Board of Adjustment meetings at which this case was heard. He informed that having an entry on two separate sides of the lot was a requirement due to the fact that the Board struck the variance for the rear yard requirement.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to accept the submitted drawings as being in compliance with the Board's earlier requests subject to the installation of a sidewalk and lattice screening so the second front door does not show from 32nd Street and subject to the trees being maintained in the front yard and being protected during construction, and subject to the applicant providing prints for the files.

Case No. 12948

Action Requested:

Consider amended legal description.

Case No. 12948 (continued)

Presentation:

Jim Jessup, 320 South Boston Avenue, submitted a letter of request (Exhibit "Q-1"). He informed this matter was presented on December 29, 1983. The application was for a variance to enable the construction of a satellite dish for radio reception--this was granted by the Board. They got ready to construct the facility and they determined that they crossed over into Lot 10. They advertised Lot 16. This present request would include Lot 16 plus a portion of Lot 10. All of the property owners within the required 300' perimeter distance under this request are identical to the owners who received notice pursuant to the original application and publication. They do not feel that anyone would be prejudiced by this request. The error came about because they relied upon INCOG maps rather than a survey. He informed they need to start construction immediately in order to start receiving radio waves. They cannot receive a Building Permit without this relief. They want to amend the legal description to include the north 50 feet of Lot 10 in order for them to get a Building Permit to commence construction.

Protestants: None.

Comments:

Mr. Gardner informed the key consideration is the fact that no additional parties would have to receive notice--the spirit and intent is complied with.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Purser, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; none, "absent") to accept the amended legal description for Case No. 12948.

There being no further business, the Chair adjourned the meeting at 4:32 p.m.

Date Approved _____

3/8/84


Chairman