CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 407
Thursday, February 23, 1984, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle	Purser	Gardner	Hubbard, Protective Inspections
Smith, Chairman		Jones	
Victor		Wiles	Jackere, Legal Department
Wait			

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, February 21, 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 1:07 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the Minutes of January 26, 1984 (No. 405).

UNFINISHED BUSINESS:

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:

Roy Hinkle, attorney, requested by letter (Exhibit "A-1") that this item be continued to the April 5, 1984, meeting.

Protestants: None.

Board Action:

On MOTION of WAIT 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. 12933 to the April 5, 1984, meeting.

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 case was continued in order to permit the Board members time to view the property and to allow him to submit some additional information about the street upon which the property is located. The application is to permit the conversion of a closed service station to a used car sales lot. He submitted 10 photographs (Exhibit "B-1") of the subject property and surrounding area. The gasoline islands and the pumps will be removed. To the north of the property is the Tulsa Auto Repair shop which was approved by this Board about three or four years ago. It consists of a metal building with five large doors for the repair of automobiles. There are several fast-food restaurants in the area. He described other businesses in the area surrounding the subject property. The applicant would like to have no more than 30 vehicles on the property at any one time. He would also be agreeable to a sign limitation not to exceed in height or area the sign for the Tulsa Automotive Garage to the north. The grassy area on the front of the property will be maintained in its present condition. There is an existing used car lot on 31st Street about a block and a half to the north and about a block to the east of the subject property. It is located in the same quadrant as the subject property. The lighting would not be changed from what is presently on the lot. The sign on the property to the north does not appear to be more than 5' by 8', but it would be acceptable to limit them to having a sign no larger than that sign. The canopy will remain on the property as will the existing building. Mr. Norman informed his client has a contract to buy the subject property. There will be no building alterations.

Protestants: None.

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 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1217) to permit automobile sales in a CS District under the provisions of Section 1680, for a maximum number of 30 cars, with the lights to remain as are presently on the site, and with the signage not to exceed the size of the sign on the adjacent property to the north (approx. 7' x 8'), on the following described property:

Lot two (2), Block one (1), Mingo Plaza Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

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 southwest corner of East 66th Place and Rockford Avenue.

Presentation:

Chad F. Stites, 1144 East 64th Street, informed there is a duplex on the subject property. He would like to split the lot so he can make greater use of the property. The subject property is 100' by 200'--approximately 1/2 acre. There is an old frame duplex that sits on the front-half of the property and the back (south-half) of the property is vacant. He is proposing to split the lot so as to allow another structure on the back-half of the property. He will leave the existing structure exactly as it is. There is a way to access the property in the back via a 10-foot strip of land for the access of cars. There would not be an easement required--it would be all deeded land. He feels that a small house on the quarter-acre would be a good use for the property. To the east side of the subject property is a duplex and on the west is a single-family residence. To the south of the property is a single-family residence as well. There is a substantial amount of duplex usage in the area--especially to the east. Most of the houses in the area are in excess of 20 years old and are less than 2,000 square feet. He has owned the duplex on the subject property since 1977. The house was originally built in 1940 as a single-family residence. It has been used as a duplex for about 20 years.

Protestants:

Paul Strizek, 1373 East 66th Place, lives across the street and one lot to the west of the subject property. He is opposed to this application because the proposal would be completely incompatible with the existing density and land use in the area--specifically to the west. If this is approved, it could set a precedent in the area for similar variances. Most of the lots in the area are the same size as the subject tract. The area has a somewhat rural atmosphere to it. None of the lots abutting the subject tract have been split. He informed there are a variety of other problems associated with the property, none of which are directly related to the zoning or the Board of Adjustment. He pointed out that the applicant stated that he had to pay the City several times a year to mow the property--this is after the Health Department has issued notice. There is a history of problems with the subject property.

Joyce Wolcott, 1376 East 66th Place, lives next door to the subject tract. She is opposed to this because of the increased density it will cause. She is also concerned about the care of the property. Having another piece of property for the applicant to take care of would just add another problem for the people in the neighborhood. They have had to construct a solid concrete block fence down the side of the property because they did not want to look at what was next door. She informed that the applicant does not take care of the property the duplex is on or the back part of the property.

Case No. 12983 (continued)

Charles Wolcott, 1376 East 66th Place, lives to the west of the subject property. His complaint is the lack of upkeep on the property now. More added to it would increase the problem.

Applicant's Rebuttal:

Mr. Stites informed he does take care of the property that the duplex is on. They have difficulty keeping all of the property that they own mowed. He felt this would be a good use. He informed that he does not live in either side of the existing duplex.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Variance (Section 207 - Street Frontage Required - under the provisions of Use Unit 1206) of the street frontage requirement from 30' to 10' to permit a lot split (L-16079) in an RS-2 District under the provisions of Section 1670, and a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts-under the provisions of Use Unit 1206) of the lot width from 75' to 10' to permit a lot split (L-16079) in an RS-2 District under the provisions of Section 1670, on the following described property:

Lot 11, Block 2, Dell Rose Addition to 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-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 this was continued to allow the Board members an opportunity to view the site. He reminded the Board that to the north of the subject property the Board approved a request for an exception to operate a truck-repair business in an RS-2 District. The area has never been developed as an RS-2 District--there is no water or sewer to the property. They are willing to limit the number of trucks to be allowed on the premises. The applicant has already partially hard surfaced a portion of the premises where the trucks will be kept during the evening hours. The applicant would like to be able to have three trucks on the property--he now has two. The applicant's residence is approximately 200 feet from 129th East Avenue. He presented an aerial photograph and described the subject property and the surrounding area. They do not want to completely hard surface the subject tract unless it is made a requirement by the Board. The applicant informed he keeps his property clean and they have refurbished his house. The place looks much better than it did when he bought it. Mr. Kivell informed they would

be willing to put up a screening fence. The applicant will not need any sign.

Protestants: None.

Comments:

Mr. Victor informed the thing that bothers him about this application is that the location is a high point--it is sitting on the top of a hill and is a very prominent location. He pointed out a part of the subject tract that he does not think would be quite as prominent as the proposed location. The applicant informed Mr. Victor that if he parked the trucks where Mr. Victor suggested, he would not be able to see them which would cause security problems. The land in that area also is not prepared for the parking of vehicles.

Mr. Smith asked Mr. Gardner if the uses across the street have been approved. Mr. Gardner informed the area to the west has been zoned for Corridor, but there has been no Detail Site Plan approved for any specific use that he is aware of. The entire strip is primarily residential with home occupation-type operations. When the individual to the north applied, the Board was influenced by the fact that the applicant lived on the premises. This applicant has also stated that he lives on the premises. This is an area which is being used in part as zoned, that is residential, and part nonresidential. It has not been zoned commercial in the past because it would strip the street out which is contrary to good planning practice.

Mr. Victor informed what bothers him about this is that the area is relatively undeveloped. He does not know what will happen in the area. Mr. Kivell informed Mr. Victor that there is no sewer and water to the property. The area is in change and does not fit the Comprehensive Plan as it is currently zoned.

There was discussion about what residential growth is going on in the neighborhood and how this might affect it.

Mr. Victor is concerned that if this is approved, it will establish a zoning pattern in the area. This may put them in the zoning business.

There was discussion about what screening requirements the Board placed on the previous application.

Mr. Gardner informed the application as advertised asks for a trucking establishment. What the applicant is asking for is much more limited than that. If the Board considers approving this, they should limit it to the limited uses that the applicant has stated--that is, the storage and parking of the three vehicles and the applicant's offer to screen the trucks.

Mr. Victor asked what the approximate size of the area is in which the vehicles are now parked. Mr. Kivell described how the property is set up. The parking is almost directly in the center of the property.

There was discussion about what would need to be screened. Mr. Victor felt like 80' x 40' on the west and north boundaries would be sufficient to screen the trucks.

Case No. 12985 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Victor, Wait, "aye"; Smith, "nay"; no "abstentions"; Purser, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1223) to permit a trucking establishment in an RS-2 District under the provisions of Section 1670, with the following conditions: (1) That the use be limited to the parking of three trucks, (2) that there be no outside repairs, (3) that there be no other outside storage of parts, materials, or tires, (4) that a west portion approximately 80 feet and a north portion approximately 50 feet be screened by a screening fence to screen the parking, and (5) that the approval runs with this owner only, and to DENY a Variance (Section 1340 - Design Standards for Off-Street Parking Areas - under the provisions of Use Unit 1223) of the required dust-free all-weather surface to allow for gravel parking lot in an RS-2 District under the provisions of Section 1670, on the following described property:

Lots 14, 15, 16, and 17, Block 3, Meadowbrook Heights Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Victor, Wait, "aye"; Smith, "nay"; no "abstentions"; Purser, "absent") to amend his motion to include that there be no signage on the site.

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 square feet 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, requested by letter (Exhibit "C-1") that this case be withdrawn and that he be refunded an applicable portion of the fees paid.

Protestants: None.

Comments:

Chairman Smith informed the fees have been spent except for the $25 Public Hearing Fee.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to withdraw Case No. 12989 and to refund $25 to the applicant.

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, submitted a photograph of the proposed mobile home (Exhibit "D-1"). He informed that there will be rock on the skirting of the mobile home.

Protestants: None.

Comments:

Mr. Gardner informed the applicant has approximately 124 feet of frontage. There is already a dwelling on the lot. If this was lot-split, then there would not be a requirement for a variance to permit two dwellings per lot of record. He would have enough area to do this. The applicant is not doing anything to the property to the south. He just owns that.

Mr. Gardner informed that double-wide mobile homes are not intended to be moved. There will be nothing mobile about this. The applicant is saying that once he gets the mobile home on the lot, he is not going to move it.

Mr. Wines questioned the applicant as to whether or not he would ever substitute a smaller mobile home for the one in the picture. The applicant informed him the one in the picture is the only one he plans to move on the property.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1208) to permit a mobile home in an RM-2 District under the provisions of Section 1680, a Variance (Section 440 - Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1208) of the one year time limitation to indefinitely for a mobile home in an RM-2 District under the provisions of Section 1670, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1208) 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, subject to the mobile home that is to be put on the property being a double-wide home per the representation submitted and that the base

Case No. 12991 (continued)

of it will be rocked or that a permanent foundation will be put under the perimeter of the structure, on the following described property:

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. 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 north of the NE corner of North Birmingham Place and Tecumseh Avenue.

Presentation:

Warren Long, 1823 North Atlanta Place, would like to put a double-wide mobile home on this big lot. The property has an existing dwelling on it. The lot is 125' x 150'. The house on the tract is livable. The existing house takes up about the south 1/3rd of the subject tract. There is someone living in the house on the tract. He submitted 8 pictures of the mobile home that he is proposing to put on the piece of property (Exhibit "E-1"). The mobile home will have a rock foundation and skirting.

Protestant:

Walter S. Miller, Jr., informed he lives in the 1800 block of North Birmingham Place. He submitted 34 signatures of people in the area who are in protest of this application (Exhibit "E-2"). He informed this area is not zoned for mobile homes, and they do not feel that they want mobile homes in the area. He does not think it is fair to the surrounding property owners to have mobile homes in the area against their will.

Comments:

Mr. Victor wondered if the applicant needed to request a variance for two dwelling units on one tract of land.

Mr. Jackere informed that the applicant needs additional relief. The Board can give him the relief that he wants today, but that will not get him where he needs to be. He feels that the entirety of the application needs to be heard at one time and the applicant should advertise for two dwelling units. He informed that it is the applicant's obligation to come forward with all the facts.

Mr. Gardner informed if the Board is inclined to favor the application, they could amend the legal description to be the north-half of that lot, and then require the applicant to get a lot split.

Mr. Jackere informed the Board can approve the application on either of two conditions: (1) That the applicant come back and readvertise for the second dwelling unit, or (2) that the applicant can apply for and receive lot split approval.

Mr. Victor informed the protestant that the applicant has submitted photographs of a double-wide unit with a pitched roof which, in effect, would not be totally dissimilar to the other frame houses that are in the area. He asked the protestant if the neighbors thought the applicant was going to put in a mobile home that looks like a travel trailer or if they had any idea what his plans were for. The protestant informed that they were given the impression that it would be a metal-type building.

The Board described the mobile home that the applicant is requesting and showed the protestant the lots.

The protestant informed that the people were concerned because this is a mobile home. They feel like if one mobile home is allowed, it could set a precedent.

There was discussion about what the residents felt about other structures that are in the area.

Mr. Victor informed he would not support a bunch of single-wide metal sided mobile homes. A home like the one proposed may be a reasonable alternative to housing in many areas in the future.

Mr. Smith informed they do not even keep the wheels on these kind of mobile homes. They take the running gear off, set them down, and they are there to stay.

There was discussion about how the Board should handle the fact that there was not a variance requested for two dwellings per lot of record.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1209) to permit a mobile home in an RS-3 District under the provisions of Section 1680, and a Variance (Section 440.6 (c) - Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1209) of the time limitation from one year to permanently in an RS-3 District under the provisions of Section 1670, for installation of the double-wide home as shown in the photographs, that the structure that was submitted to the Board be set out on a permanent enclosed foundation or rock skirting, with this approval being contingent upon the applicant obtaining a lot split for the north-half of the lot or returning to this Board for a variance for two dwelling units on one lot, on the following described property:

Lot 2, Block 5, Martin Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 12998

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 front yard setback from 50' to 45.8' in order to permit an existing structure in an RS-3 District under the provisions of Section 1670, located south of the SW corner of 37th Street North and North Lansing Avenue.

Presentation:

Guy Tutwiler, 2445 East 31st Street, informed he is a homebuilder building new houses in an addition which has had no new homes in the last four or five years. The stem wall for the house on the subject property was poured. A survey done by White Survey shows that the front corner of the home was clipped by the building line. He needs four feet and four inches to put it within the building line. He submitted a drawing (Exhibit "F-1").

Protestants:

James Ransom, 2608 North Yorktown Place, owns Lots 1 and 2 in the area. He was concerned that this variance would affect him when he gets ready to build. The Board informed Mr. Ransom that this should not affect him at all -- they showed him the applicants' plans. Mr. Ransom informed that if it will not affect him, he does not object to it.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the front yard setback from 50' to 45.8' in order to permit an existing structure in an RS-3 District under the provisions of Section 1670, per survey submitted, on the following described property:

Lot 4, Block 4, Northland Plaza Addition an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13004

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 required lot width from 60' to 50' to permit a lot split in an RS-3 District under the provisions of Section 1670, located at the NW corner of Newton Street and North Santa Fe Avenue.

Presentation:

Roy Girod, Route 2, Box 2, Glenpool, informed his lot is 150' by 150'. The lot has one large house and one garage apartment located on it. He would like to split the lot because he has a buyer for the big house--they do not want to buy both living units. The lot for the house would be 100' by 100' after the split, and the lot for the garage apartment will be 50' by 150'. There are other 50-foot lots adjoining his property. He is not planning to build anything on either

Case No. 13004 (continued)

lot. This lot split has been approved by the Planning Commission. He submitted a map (Exhibit "G-1").

Protestants: None.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the required lot width from 60' to 50' to permit a lot split (L-16102) in an RS-3 District under the provisions of Section 1670, on the following described property:

The SE/4 of the E/2 of Lot 2, Block 6, Lombard Addition to the City of Tulsa, Osage County, State of Oklahoma.

Case No. 13011

Action Requested:
Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1207 - Request for a variance of the required lot width from 75' to 20.8' and 23.45' and a variance of the required lot area from 9,000 sq. ft. to 6,822 sq. ft. and 7,704 sq. ft. to permit a lot split in an RS-3 District under the provisions of Section 1670, located north of the NW corner of East 61st Street and South Marion Avenue.

Presentation:
The applicant, Thomas L. Ozment, Suite 823, Warren Professional Building, was not present.

Protestants: None.

Board Action:
On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 13011 to the March 8, 1984, meeting.

NEW APPLICATIONS:

Case No. 12995

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1209 - Request for an exception to permit a mobile home in an AG District under the provisions of Section 1680, located north of the NW corner of 36th Street North and Winston Avenue.

Presentation:

Jerry L. McGehee, Route 4, Box 371-N1, Sapulpa, was represented by Ebert McGehee, 3912 North Winston, the applicant's father. He informed that he lives on the 2 1/2 acres which adjoins the 4-acre subject tract where they would like to place a mobile home. The mobile home is a 1981 model and is 14' by 75'. The house on the 2 1/2 acre tract is not a mobile home. Mr. McGehee informed there is one mobile home located on a five-acre tract just north of the subject tract. The mobile home will be on a septic tank system. The percolation test has been approved in the last 30 days.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District - under the provisions of Use Unit 1209) to permit a mobile home in an AG District under the provisions of Section 1680, subject to Health Department approval, on the following described property:

Beginning at a point on the West line of the East-Half of the Southeast Quarter (E/2, SE/4) 1,098.0 feet North of the Southwest corner of the East-Half of the Southeast Quarter of Section 16, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma; thence North along the West line of the East-Half of the Southeast Quarter a distance of 238.06 feet; thence East a distance of 768.61 feet to a point on the Westerly property line of the existing County roadway; thence South 20°-34'-30" West a distance of 108.91 feet to a point of curve; thence around a curve to the left whose radius is 613.0 feet a distance of 140.46 feet; thence West a distance of 714.0 feet to the point of beginning, containing in all 4.0 acres, more or less.

Case No. 12996

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request for an exception to permit a duplex in an RS-3 District under the provisions of Section 1680, located North of the NE corner of South 33rd West Avenue and 47th St.

Presentation:

The applicant, Robert J. Sellers, Rt. 1, Box 391, Sand Springs, requested by letter that this case be withdrawn and that he be refunded an applicable portion of the fees paid.

Case No. 12996 (continued)

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 withdraw Case No. 12996 and to refund $25 to the applicant.

Case No. 12999

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 front yard setback from the centerline of Victoria Avenue from 55' to 25' in an RS-2 District under the provisions of Section 1670, located 340' West of Victoria and Denver Avenues.

Presentation:
Rebecca Deeton, 1731 South Columbia Place, informed she would like to be able to build closer to the street to take advantage of the view from the site.

Mr. Caylor, the applicant's architect, addressed the Board. He called the Board's attention to three items: (1) The hardship of building on a very steep site--the further back on the site they place the structure, the more difficulty they encounter; (2) there is a precedent in that the owners were previously granted a variance of the setback requirement--this had expired; and (3) this structure will be consistent in appearance with the other new structure on Victoria Avenue. He informed that the garage will not face the street. He submitted some illustrative drawings (Exhibit "I-1").

Protestants: None.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the front yard setback from the centerline of Victoria Avenue from 55' to 25' in an RS-2 District under the provisions of Section 1670, per plot plan, on the following described property:

Lot 4, Block 1, Oak Terrace Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13000

Action Requested:
Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit a church use in an RS-3 District under the provisions of Section 1680.

Variance - Section 440.7 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1205 - Request for a variance of the

Case No. 13000 (continued)

minimum frontage from 100' to 50' and a variance of the minimum building setback (side yard), from 25' to 12.5' and 9.5' to permit an addition to an existing church use in an RS-3 District under the provisions of Section 1670.

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1205 - Request for a variance of the front yard requirement from 50' to 43' to permit an existing church use in an RS-3 District under the provisions of Section 1670.

Variance - Section 1205.3 - Use Conditions - Use Unit 1205 - Request for a variance of the minimum lot area from 1-acre to .16 acre and a variance to permit parking in required front yard in an RS-3 District under the provisions of Section 1670, located north of the NE corner of East 28th Street North and St. Louis Avenue.

Presentation:

Lois K. Caldwell, 4513 S.E. 48th Street, Oklahoma City, represented the Christ Holy Sanctified Church. She informed the building on the subject property has been used for a church since about 1958. They would like to build two bathrooms on the back of this building. It will be a 10' by 10' area with a 4' by 10' hall and 5' by 6' for each bathroom area. The house on the subject property sits back as far as the house to the north of it. The addition will be in line with the south side of the present dwelling. She presented a plot plan (Exhibit "J-1").

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1205) to permit a church use in an RS-3 District under the provisions of Section 1680, a Variance (Section 440.7 - Special Exception Uses In Residential Districts, Requirements - under the provisions of Use Unit 1205) of the minimum frontage from 100' to 50' and a variance of the minimum building setback (side yard), from 25' to 12.5' & 9.5' to permit an addition to an existing church in an RS-3 District under the provisions of Section 1670, 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 front yard requirement from 50' to 43' to permit an existing church use in an RS-3 District under the provisions of Section 1670, and a Variance (Section 1205.3 - Use Conditions - under the provisions of Use Unit 1205) of the minimum lot area from 1-acre to .16 acre and a variance to permit parking in required front yard in an RS-3 District under the provisions of Section 1670, per plot plan, on the following described property:

Lot 18, Block 5, Apache Place Second Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13001

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request for an exception to allow duplex use in an RS-3 District under the provisions of Section 1680, located at the SE corner of East 30th Street and Pittsburg Avenue.

Presentation:

Gerald Pace, P. O. Box 52425, informed he has owned the subject property for four years. He feels duplex use would be the best use for this property. He submitted a plot plan (Exhibit "K-1"). He met with the neighbors who were concerned with how this proposal would affect the density and runoff. The neighbors objected to having a two-story building. He informed that density would also be his concern at this particular point. In this neighborhood, it is quite congested at the present time because it is on a cul-de-sac. He described what causes the congestion at this time. His proposed duplexes, which he plans to split to sell as single-family residences, would all have two-car garages and a double-wide driveway. The occupants of the duplex would not have to park on the street and would not cause congestion problems. Mr. Pace informed that most of the runoff from the land would go on Pittsburg. He pointed out that if he built two single-family residences on the property, he would not be restricted in RS-3 to one-story buildings. Mr. Pace described the surrounding property. He feels the proposed units will exceed the existing quality of the homes that are in the area. The area has approximately $65,000 to $75,000 homes, and the patio homes will sell approximately in that range. He feels that the patio homes will look better than the existing houses. He wants a quality development--there will only be two duplexes. He is willing to screen the property, but he thinks the duplexes will be an asset to the neighborhood rather than a detriment. He is not bound to building two-stories, but he has already built some like that that are very nice. He appreciates the fact that the neighborhood has problems with his proposal, and he is trying to work around those problems.

Protestants:

Dickson Gunn, 4119 East 30th Street, submitted a summary of the concerns of the people in the area (Exhibit "K-2") and explained and highlighted them.

George Largent, 4120 East 30th Street, informed he lives at the bottom of the cul-de-sac, and there have been times in the past when they had problems with drainage in the area.

Applicant's Rebuttal:

Mr. Pace informed that these duplexes will not be rental duplexes--they will have separate ownership. He is aware that the runoff could be a problem, but he can turn any new runoff back to the busy street. There would be a normal runoff going off the back of the property. He emphasized that there will be no traffic going into the protestant's neighborhood. All the traffic would exit onto Pittsburg and not into their neighborhood. The quality of the homes would be unique.

Comments:

Mr. Victor informed he can sympathize with both parties, but there are no other duplexes in that area.

Case No. 13001 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1207) to allow duplex use in an RS-3 District under the provisions of Section 1680, on the following described property:

The North 150' of the South 295' of the West 140' of Lot 4, Block 2, Exposition Gardens Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13003

Action Requested:

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

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request for a variance to permit more than one single-family dwelling per lot of record in an RM-2 District under the provisions of Section 1670.

Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for a variance of the time limitation from one year to indefinitely to permit a mobile home in an RM-2 District under the provisions of Section 1670.

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1209 - Request for a variance of the required rear yard setback from 10' to 6' and a variance of the required side yard (east side) setback from 10' to 6' to permit a mobile home in an RM-2 District under the provisions of Section 1670, located west of the NW corner of Newton Place and Sheridan Road.

Presentation:

Bill Cousins, 6323 East Newton Place, would like to put a mobile home on the back of the subject property for his use so he can live close to his parents and his grandmother. He described the surrounding area. He would like to have the mobile home on the lot as long as he is needed to take care of his parents. Mr. Cousins described the other dwelling units that are located on the subject property. He informed that the dwelling units on the property are rented out to non-family members except for the one his grandmother lives in and the one his parents live in. There are four dwelling units on the property besides the proposed mobile home. The proposed mobile home is a 1982 model and is 12' by 60'. He described what the mobile home looks like. It will be skirted. This property is on City sewer. He submitted a plot plan (Exhibit "L-1").

Protestants: None.

Comments:

Mr. Victor informed he went out to view the subject property and could not figure out which piece of land this was. There was one piece of

Case No. 13003 (continued)

property that had several dwelling units on it. The applicant informed him that that piece is the subject property.

Mr. Gardner informed this property is zoned for apartments.

Mr. Victor informed that putting another dwelling unit on the property will not be in violation of the density of the zoning.

Mr. Gardner reminded the Board that the applicant mentioned that three years would possibly meet his needs.

There was discussion about the variance for the setbacks.

Mr. Wait informed he would like a time limit of three years placed on this.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the provisions of Use Unit 1209) to permit a mobile home in an RM-2 District under the provisions of Section 1680, a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1209) to permit more than one single-family dwelling per lot of record in an RM-2 District under the provisions of Section 1670, a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements, under the provisions of Use Unit 1209) of the time limitation from one year to three years to permit a mobile home in an RM-2 District under the provisions of Section 1670, and a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1209) of the required rear yard setback from 10' to 6' and a variance of the required side yard (east side) setback from 10' to 6' to permit a mobile home in an RM-2 District under the provisions of Section 1670, on the following described property:

Lot 6, Block 2, Exchange Acres Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13005

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request for a variance of setbacks from abutting streets and a variance of building setbacks from abutting R District boundary in a CS District under the provisions of Section 1670.

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1213 - Request for a variance of the right-of-way designated by the Major Street Plan in a CS District under the provisions of Section 1670, located at the SE corner of East 15th Street and Harvard Avenue.

Presentation:

Roy D. Johnsen, 324 Main Mall, represented Git-N-Go and the owner of the subject property. The variances requested in this case are all

directed toward the setback from the major street. Both 15th Street and Harvard Avenue are on the Arterial Street Plan as secondary arterials calling for 100 feet of right-of-way. Mr. Johnsen submitted a Site Plan (Exhibit "M-1") and described his request. He informed there is an abandoned service station facility which is in the approximate center of the property. It contained a small building for money taking and a large canopy with gas islands. They are proposing a new Git-N-Go store to be located in the southeast corner of the site, the relocation of some of the gas pumps, and the erection of a canopy. The buiding would meet the setback requirement from Harvard, but would only be sitting back 80 feet from the centerline of 15th Street. He submitted an aerial photograph (Exhibit "M-2") and 7 photographs (Exhibit "M-3"). He informed that almost every building both east and west of Harvard does not meet the 100-foot setback requirement. That fact is part of the hardship of this application. The properties were platted before the 100-foot requirement existed. He suggested to the Board that the proposed building location is not inconsistent with other properties in the area, and there is a hardship due to the size of the lot and the history of the platting of this area. The proposed construction will be typical of Git-N-Go stores. They would like a canopy. He described the proposed locations of the gas islands and the canopy. These will be located outside the existing right-of-way but inside proposed right-of-way. He informed the Board's policy in the past has been to require the execution of a Removal Contract if the variances are allowed. A condition for a Removal Contract would be acceptable as to the canopy and the gas islands, but not to the building. Because of the narrowness of the subject tract, they would like the building to be set 5' from the east property line instead of the required 10'. There is a very substantial screening wall that presently exists on the site. The structures on the surrounding property that are closest to the east boundary are basically garages. He does not think that the setback is as critical for a one-story building as it would be for a multi-story building which would be allowed in the CS zoning. Two of the photographs Mr. Johnsen submitted are of a typical Git-N-Go facility--this one would be similar to the photographs. They do not proposed to construct a fence as is shown in the site plan, because there is a substantial wall existing now.

Protestants:

Bruce Belsley, 2626 East 21st Street, Suite 8, informed he owns a six-unit apartment house that is two stories in height immediately to the south and adjacent to the subject property. He is very concerned about the increased density because of the encroachment of noise, light, and traffic to their site. He is concerned that the small parking lot in front of the apartments might become overflow parking for the subject tract. They are concerned with the lighting because of the close proximity of the Git-N-Go store to the south property line. He is aware that there is no side yard setback for CS abutting CS, but they believe that the intent of the Code is to provide adequate area for a use such as the proposed use. They feel that the proposal will severely hamper their ability to rent their apartment units in an already difficult rental market. He presented a plan which shows the proximity of the apartments to the subject property. He described his property. They are concerned because the Git-N-Go store, by virture of the need for security, has a great deal of lighting, and the lighting will overflow into the windows of the apartments.

Case No. 13005 (continued)

Mrs. Reese, 1514 South Indianapolis Avenue, lives just south of the subject property. She does not object to there being a Git-N-Go at the location. Her objection is that the existing gasoline vent pipes are not high enough to disperse the fumes. She would like the pipes to be raised up higher.

Applicant's Rebuttal:

Mr. Johnsen informed the wall facing the apartments is a blank wall. Mr. Belsley's property has been zoned CS for many years. Although it might be presently used for rental purposes, its long-term use is a commercial one. That zoning existed at the time that the protestant's family acquired the property. He feels this is an appropriate use for the property.

Comments and Questions:

Mr. Smith informed Mrs. Reese that according to the plan Mr. Johnsen submitted, they are going to move the pipes. He described the plans to her. Mr. Johnsen showed Mrs. Reese where they are proposing to move the vents.

Mr. Victor feels the protestant's protest on the use is not applicable because the Board is not dealing with a use variance--they are only dealing with the setback. Mr. Belsley informed his is not protesting the use, he is protesting the density that will be a result of the setbacks.

Mr. Victor's concern is that applying the protestant's argument would severely restrict development of the site entirely for any commercial use. He feels that the proposal is about the smallest type business that could be built on the property. Mr. Johnsen feels the question is a design question of what is the most efficient layout of the property. He informed there are no variances requested that affect the protestant's property line.

Mr. Belsley asked if it would be possible to get some restriction on the shielding of the lighting. Mr. Smith informed the Board could make a requirement that the lighting be directed inward as opposed to the south.

Mr. Victor informed he does not know that the Board has ever made a lighting condition on an adjacent piece of commercial property.

Mr. Belsley informed his hardship is that his property was zoned CS but it has always been used for residential. He wants some relief so he can protect his tenants. Glaring lights would cause a severe economic impact on him.

Mr. Victor asked if the screening wall on the south goes all the way across the piece of property. Mr. Johnsen informed there is no connection between the subject property and the protestant's property. Mr. Johnsen stated that the existing canopy on the property probably has more lighting than what would be under the new canopy. The proposed canopy is smaller.

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 setbacks from abutting streets and a variance of building setbacks from abutting R District boundary in a CS District under the provisions of Section 1670, and a Variance (Section 280 - Structure Setback from Abutting Streets - under the provisions of Use Unit 1213) of the right-of-way designated by the Major Street Plan in a CS District under the provisions of Section 1670, per plot plan, subject to execution of a Removal Contract for those items in the proposed right-of-way, subject to the existing screen wall remaining as it is and being maintained by the owner, and subject to no lighting being designed for the property which would shine directly into the apartments on the south side, on the following described property:

Lots 1 and 2, Block 1, LESS and EXCEPT the West 10 feet, Sunrise Terrace Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Additional Comments:

Mr. Jackere informed that with respect to the lighting condition, he is not sure that the Building Inspector has enough there to make a judgement about whether the lights they put on there do not shine directly into the apartments. Mr. Victor informed his intention was that the applicant not aim a light fixture into the windows. Mr. Jackere is concerned because they have gotten many complaints that the conditions that are being imposed are not specific enough for the Building Inspector to enforce. He does not think that this condition is specific enough either.

Case No. 13006

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of building setback from abutting street in a CS zoned district under the provisions of Section 1670, located at the SW corner of 14th Place and Denver.

Presentation:

Roy D. Johnsen, 324 Main Mall, informed there is a small convenience shopping center on the subject property, part of which is used for a Quik-Trip. The applicant is proposing to add gas islands in front of the store, and they want to build a canopy. The canopy and the islands will be within proposed Major Street Plan setbacks, but not within existing right-of-way on Denver. The application was filed seeking a variance of the building setback. He had a question as to whether or not a person interested in this would have been fairly apprised of the situation. He informed he is prepared to take the risk that the notice is sufficient unless the Board's attorney says he does not want the Board to hear it. He submitted a site plan (Exh. N-1) and explained it. He informed this building used to be a liquor store. The applicants want to construct two gasoline islands with a canopy--he feels this is a fairly standard application. A standard Removal Contract is acceptable to the applicant.

Protestants: None.

Comments and Questions:

Mr. Jackere informed he feels the Board does have sufficient notice for this application, but that is for the Board to determine.

Mr. Victor asked what the relationship of the canopy line is with surrounding properties. Mr. Johnsen submitted an aerial photograph (Exh. N-2) and explained it. He informed that the actual buildings in the area are not setting out as far as they are proposing for the canopy. He feels that the public will be well protected because of a Removal Contract. Mr. Johnsen informed the Board has approved on this site a sign which is even closer than the proposed canopy.

Mr. Victor informed he has a problem with allowing something to be out in front of everything else. Mr. Johnsen informed that to him there is a distinction between buildings and a canopy, in that a two island facility is not that big and will not obscure vision like a building will. One of the considerations is that there is sufficient room for a car to be parked, get gas, and that it not be encroaching into existing right-of-way or the sidewalks. He informed that the site plan will show that they do meet that criteria. He informed that selling gasoline is a permitted use in a CS district, and this is the only way to do it on a tract this size.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 1-3-0 (Chappelle, "aye"; Smith, Victor, Wait, "nay"; no "abstentions"; Purser, "absent") to approve a Variance (Section 730 - Bulk & Area Requirements in Commercial Districts - under the provisions of Use Unit 1213) of

Case No. 13006 (continued)

building setback from abutting street in a CS zoned district under the provisions of Section 1670, per plot plan and subject to a removal contract, on the following described property:

Lots 1, 2, and 3, Block 3, Campbell Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

This motion fails for the lack of three affirmative votes--the application is DENIED.

Date Approved 3/8/84

Chairman

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Case No. 13007

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1205 - Request for a variance of building setback from abutting street to permit enclosure of tennis courts in an RD District under the provisions of Section 1670, located west of the SW corner of East 91st Street and Harvard Avenue.

Presentation:

Roy D. Johnsen, 324 Main Mall, submitted an aerial photograph (Exhibit "O-1") and informed the property is know as Tulsa Southern Tennis Club and has been there for several years. The property presently has indoor and outdoor tennis courts. He informed that additional outdoor courts have been constructed along the south portion of the property in accordance with substituted plot plans that have been reviewed by this Board. He informed that a company named Grupe has acquired a substantial holding south and east of the subject property and that property is presently under development although no actual structures have been constructed. He submitted a plot plan and explained it (Exhibit "O-2"). They had originally contemplated enclosing four courts. That would have put then very close to the right-of-way of College Place. They decided to leave the two most eastern courts in their present unenclosed contion. They will still be enclosing four tennis courts. A letter from Grupe was submitted which stated that they have no objections to this amended proposal (Exhibit "O-3"). Because of this change in plans, the applicant does not need any variances, but he would like to substitute this plot plan for the plot plan which was previously approved. He will withdraw the request for any setback variances. He informed the facade of this building will be very nice--it will be metal, but will have some wood and glass. He informed the proposed building will look better than the existing building.

Comments:

There was discussion about the appearance of the subject property.

There was discussion about why the applicant needed the substitute plot plan if he does not need the variance. He needs plot plan approval because this plot plan does not strictly coincide with the plot plan of record from the earlier application.

Mr. Gardner informed that the first application was approved subject to a plot plan. The applicant still meets the number of tennis courts to be enclosed, but the plot plan is different.

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 the substitute plot plan, on the following described property:

TRACT A: Lot 1, Block 1, Wimbledon Place, a Subdivision of the North 450.00' of the West 480.00' of the East-Half (E/2) of the Northwest Quarter of the Northeast Quarter (NW/4 NE/4) of Section 20, Township 18 North, Range 13 East, Tulsa County, Oklahoma;

AND

Case No. 13007 (continued)

TRACT B: The East-Half of the Northwest Quarter of the Northeast Quarter (E/2 NW/4 NE/4) of Section 20, Township 18 North, Range 13 East of the Indian Base and Meridian, lying South and adjacent to the Wimbledon Place, more particularly described as follows, to wit: Commencing at the Northwest Corner of the East-Half of the Northwest Quarter of the Northeast Quarter (E/2 NW/4 NE/4), thence South 00°-18'-09" West a distance of 450.0' to the Point of Beginning which is the Southwest Corner of Wimbledon Place, a Subdivision to the City of Tulsa, Tulsa County, Oklahoma; thence running South 00°-18'-09" West and along the West boundary of said East-Half of the Northwest Quarter of the Northeast Quarter (E/2 NW/4 NE/4) of Section 20, Township 18 North, Range 13 East, a distance of 270.0'; thence due East parallel with the South line of Said Wimbledon Place a distance of 480.0'; thence North 00°-18'-09" East a distance of 270.0' to the Southeast Corner of Wimbledon Place; thence due West along the South boundary of Wimbledon Place a distance of 480.0' to the Point of Beginning.

Case No. 13008

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 required setback from the centerline of East 103rd Street from 60' to 54' and a variance of the required setback from the east property line from 35' to 15' in an RS-1 District under the provisions of Section 1670, located at the NW corner of East 103rd Street and South Oswego Place.

Presentation:

Martin E. Brown, 3904 South Sandusky Avenue, represented the owner of the property, Robert Morgan. He informed the applicant wishes to make two additions to his existing residence. He submitted a plot plan (Exhibit "P-1") and informed one of the additions will be on the front of the residence and one will be to the rear. The subject property is situated on a corner lot on a cul-de-sac street. The way the house sits with the existing septic system leaves the applicant only one place that he might be able to upgrade his residence. He informed they showed some drawings to the area residents to indicate what they are planning. They have contacted the people in area, and the neighbors agree that this will improve the property in the area--they had no objections.

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 required setback from the centerline of East 103rd Street from 60' to 54' and a variance of the required setback from the east property line from 35' to 15' in an RS-1 District under the provisions of Section 1670, per plot plan, on the following described property:

Lot 12, Block 1, Shady Oaks Estates II Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13009

Action Requested:

Variance - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1213 - Request for a variance to permit a convenience store in an AG District under the provisions of Section 1670, located 660' West of the NW corner of East 101st Street South and South Garnett Road.

Presentation:

Dorothy Lee Kindley, 1102 East 101st Street, Broken Arrow, was represented by her son, Hugh Kindley, 127 North Gillette Avenue. Mr. Kindley informed there is a need for a convenience store in the area of the subject property. There is a lot of traffic and a lot of new construction. He submitted 8 pictures of surrounding property (Exhibit "Q-1") and described them. The convenience store will be independently owned and run.

Protestants:

Ken Cox, 4100 Bank of Oklahoma Tower, represented the owner of the property at the northeast corner of 101st Street South and South Mingo Road. He owns some commercially zoned property there. In reviewing the file, he saw no hardship alleged or stated for this particular tract. The Comprehensive Plan designates this property as outside of the area designated for Commercial zoning. He is concerned that this could set a precedent down 101st Street.

Applicant's Rebuttal:

Mr. Kindley informed the corner of 101st Street and Garentt Road is completely unusable because of flooding in that area.

Comments:

Mr. Smith asked why the applicant didn't try to get the property rezoned to CS, and the applicant informed him that INCOG told him it would be difficult for him to get zoning through the Board. He mentioned that normally approval is granted at an intersection, but the intersection of 101st and Garnett is all in a flood zone, so this is the closest available land to the intersection. He informed there are no convenience stores on 101st Street, between 145th Street and Sheridan Road, nor are there any on Garnett Road south of 61st Street.

Mr. Jackere asked the applicant if there is something unusual about his particular piece of property which would make it unusable for residential use or something else other than commercial uses. The applicant informed there is not. It is zoned AG. His family has owned the property for 60 years, and they do not want to sell it to build residences. All they can do with the property right now is farm it.

Mr. Smith asked if R-5 is the highest residential use in the City of Broken Arrow. Mr. Gardner informed across the street is zoned for large lot single-family residential.

Mr. Victor informed he thinks the proper way to go would be to try to rezone a portion of the property. He does not necessarily object to the convenience store, but he does not think this is the right way to go.

Case No. 13009 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Variance (Section 310 - Principal Uses Permitted in the Agriculture District - under the provisions of Use Unit 1213) to permit a convenience store in an AG District under the provisions of Section 1670, on the following described property:

The E/2 of the W/2 of the SE/4 of the SE/4, LESS and EXCEPT the 397.2', Section 19, Township 18 North, Range 14 East of the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13010

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1215 - Request for an exception to permit Use Unit 1215 to allow Perma Jack to locate an office of operation in a CS District under the provisions of Section 1680, located at the SW corner of East 11th Street and South Mingo Road.

Presentation:

Frank Wisener, 1124 North Mingo Road, informed that Mingo, south of 11th Street, will be terminated to through traffic from now on because of the retention pond which has just been completed. The subject property fronts the remaining piece of Mingo from 11th Street to the detention pond. He described the surrounding property. They would like to enhance the neighborhood by building Perma Jack's offices. This will be a very nice, low-key building. He informed that Perma Jack does not manufacture anything. The only thing they will store outside will be trucks. They have provided a fenced yard for storing these trucks in. He presented a site plan. The vehicles will be there at night only. The building will be a metal building. They plan to landscape a portion of 11th Street, and the screening wall will be a decorative screening wall.

Protestants: None.

Comments:

Mr. Smith informed the screening wall would need to be solid so people could not see through it.

Mr. Smith asked Mr. Gardner if everything south of the applicant's south property line is now detention pond. There was discussion about where the detention pond is.

Mr. Gardner informed the Staff does not have a problem with the proposed use if the Board wants to tie it down to Use Unit 15. There are lots of uses permitted in Use Unit 15, so the Board should tie it down to the type of construction office that the applicant is requesting. The only concern that the Staff had was outside storage, and the applicant stated that there will not be any outside storage other than trucks.

Mr. Victor asked if the screening requirements would be satisfied if they tied approval to the plot plan with a decorative fence. Mr. Gardner

Case No. 13010 (continued)

informed that, technically, the applicant would need screening to the south, but he may not have anything to screen if it is detention pond to the south and if there are no residences. The applicant informed they do not have any neighbors to the south of them.

There was discussion about where the screening would be and what it would screen.

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 provisions of Use Unit 1215) to permit Use Unit 1215 to allow Perma Jack to locate an office of operation in a CS District under the provisions of Section 1680, per plot plan submitted, with the conditions that there be no outside storage of equipment other than vehicles, that the screening fence be erected where shown on the plot plan, and that the applicant return prior to the issuance of a building permit for approval of a landscape plan, on the following described property:

That part of the NE/4, NE/4, NE/4, of Section 12, Township 19 North Range 13 East, more particularly described as follows, to wit: Beginning at a point 50 feet South and 25 feet East of the Northeast Corner of Said Section 12; thence South 280 feet; thence West 140 feet; thence North 280 feet; thence East 140 feet to the point of beginning. City of Tulsa, Tulsa County, Oklahoma.

Case No. 13012

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1204 - Request for an exception to permit a police substation in an RS-3 District under the provisions of Section 1680, located at the SW corner of 36th Street North and Delaware Avenue.

Presentation:

Ed Hicks, 200 Civic Center, Room 1012, is from the City Attorney's office. He informed this is the Douglas School site. The City is talking to the School Board about purchasing the subject property--they have a contract to purchase the property from the School Board. They intend to use the property as a police substation which will have some ancillary uses with it--an EMSA room, an EMSA ambulance park, a room for Traffic Court, and some communications uses. All these things are related to the public safety. He had an aerial photograph which shows how this property lies in relationship to the development around it. The area is pretty much undeveloped, except for some warehouse-type facilities and some churches. The rest of the area is residential, but only has scattered homes in it. They will utilize the existing building. The City has been leasing the facility for some time. There is asphalt parking that is in place that was constructed in addition to the parking that was there for the school. The applicant plans to enclose a breezeway between two sections of the building. They may build an additional structure at a later date to hold some of their communications equipment. They have been using the subject property since August of 1981.

Case No. 13012 (continued)

Protestants: None.

Interested Party:
Leola Hill, 2743 East 36th Street North, lives across the street from the subject property. She informed she is glad to have them out there.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Smith, Victor, Wait, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1204) to permit a police substation as presented in an RS-3 District under the provisions of Section 1680, on the following described property:

All of Blocks 2 and 3, Rouzeau Court Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13013

Action Requested:
Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to allow a church and related activities in an RS-3 District.

Variance - Section 1205.3 (a) (1) - Use Conditions - Request for a variance of the required 1-acre lot area to .56 acre.

Variance - Section 1205.4 - Off-Street Parking and Loading Requirements - Request for a variance of the required 200 parking spaces to 100, located south of the SE corner of 54th Street North and Norfolk Avenue.

Presentation:
Wilbert E. Collins, 1345 East Apache Street, is the real estate broker involved in a transaction between Monarch Asphalt Paving Company and the Rose of Sharon Baptist Church. The three lots in question are adjacent to the rear of the Safeway Store in the McClain Shopping Center. He described the surrounding area. The church would like to buy the lots and construct an 8,000 square-foot facility to be used as a sanctuary. The 40 square feet per parking space would dictate a parking requirement of 200 parking spaces. They would like only 100 parking spaces because not every individual that goes to church goes singularly. They feel that 100 parking spaces would be adequate. The subject tract consists of a little over 1/2 acre. Mr. Collins informed the lots are 63' x 130'. There are 200 members in the congregation. Most of the building will be sanctuary. He informed he asked the Staff if it would be necessary for him to bring a plot plan, and he was told that it would not be necessary.

Joey B. Webb, the minister of the congregation, informed they are a small congregation and do not have 200 members, per se. They are hoping they will in the future. They will not need parking for 200 members. They have about 100 members at the present. The church is temporarily located at 1405 North Cincinnati Avenue--the Baptist Educational Center. They have about 75 cars which are parked at any one service. He informed that he has talked with many of the residents in the area to assure them that they are not planning to make it difficult for the neighborhood.

Case No. 13013 (continued)

They will do all they can to make the situation convenient for the neighbors.

Comments and Questions:

Mr. Smith asked the applicant if there is any way they could utilize the parking of the shopping center on Sunday if they had an overflow. The applicant informed that they could. There is an alley in the back of the Safeway Store that could be utilized as parking. There is no fence or ravine between the two lots. Mr. Collins informed the subject property is on the same grade elevation as the service drive behind the Safeway Store.

There was discussion about how big parking spaces have to be and how many spaces the applicant would need.

Mr. Gardner informed the variance he is asking for is so great that he feels the Board needs to look at a plot plan. The applicant also needs to get something in writing from the shopping center next door stating that their parking would be available to the church should they need it.

Mr. Victor informed one of the Board's problems is that as churches grow, the parking tends to spill over into the adjacent residential areas and the Board is criticized for those conditions. The Board is very hesitent to relax that requirement on parking, particularly for churches.

Mr. Victor was concerned because an 8,000 square-foot building, with most of the building being used for a sanctuary, could support a seating capacity of well over 200 people.

Mr. Wait informed he would like to see a plot plan as well as drawings of the layout of the proposed building before making a decision.

Mr. Smith also would like to see plans because a variance this great is more than what the Board ought to decide on without seeing some plans.

Mr. Gardner informed the Board is not asking for finished drawings of the details of the building. They want a simple plot plan showing where the building is in relationship to the land and where the parking spaces will be. He informed that more than likely the applicants will need some sort of setback variance, and they are not advertised for that. Even if they got church approval today, they would probably have to come back for a variance of the setback.

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. 13013 to the March 8, 1984, meeting.

Case No. 13014

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Use Units 1206/1202 - Request for an exception for a home occupation (dog kennel) to permit four dogs in an RS-3 District under the provisions of Section 1680, located west of the NW corner of Xyler Street and Louisville Avenue.

Presentation:

Larry Smith, 3535 East Xyler Avenue, informed he did not know he could not have more than three dogs on his property inside the City Limits until he got a citation from the Dog Pound because they have four dogs. They have two male dogs and two female dogs which have been spade. His yard is fenced, and the dogs are always kept in the yard. The neighbors that he has talked to have never had any complaints about his dogs. He informed they live in a pretty bad residential area, and they would like to keep the dogs for security reasons. He has three German shepherd and one collie. The dogs vary in age from one to five years of age. The oldest male dog is epileptic and is on medication. They do not want to operate a dog kennel, all they want to do is keep their dogs.

Protestants: None.

Comments:

Mr. Victor asked what conditions should be placed on a case like this.

Mr. Gardner informed what the Board normally does is limit it to the number of dogs and limit it so that if a dog dies it cannot be replaced. He cannot sell dogs--no commercial activity.

Mr. Wait asked the applicant how big an area they have for the dogs. The applicant informed the back yard is about 80' by 100' and they have full run of the yard. They also take the dogs out to Mohawk Park to let them run.

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 420 - Accessory Uses Permitted in Residential Districts - under the provisions of Use Unit 1206/1202) for a dog kennel to permit four dogs in an RS-3 District under the provisions of Section 1680, subject to the following conditions: (1) That the existing four dogs be allowed to remain; (2) that the first dog to die not be replaced--they are not to exceed three dogs after one dies; (3) that there be no commercial activity conducted at the home; (4) that the area be kept clean; and (5) that this approval is only valid until they get down to three dogs, on the following described property.

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

Case No. 13015

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 required rear yard setback from 20' to 12.5' and a variance of the required setback from the centerline of East 38th Street from 55' to 45' all to permit an addition to an existing dwelling in an RS-3 District under the provisions of Section 1670, located at the SE corner of East 38th Street and South Marion Avenue.

Presentation:

Bruce Masters, 603 Davidson Court, Sand Springs, submitted a plot plan (Exhibit "R-1"). The owner of the subject tract has contacted the neighboring parties, and they have no problem with this. There is a problem with an easement at the back of the lot. They have contacted Mr. Sutter at the City Engineering Department, and have been informed that the easement is for a City storm sewer. Mr. Sutter indicated that it would probably not be a problem for the City to recommend vacating part of that easement to allow it to be reduced to 12' & 6". If an actual survey showed that the storm sewer lies directly under the property line as the engineering drawings indicate, there would not be a problem with that. He does not know of any utilities in the easement. He informed that when the storm sewer was constructed, they used the owner's property for access to it.

Protestants: None.

Comments:

Mr. Smith asked if the easement was granted only to the City of Tulsa for storm sewer purposes, or if it is just a 20-foot easement. If it is just a 20-foot easement, all the utilities could go into it.

Mr. Smith asked if they had made application for the vacation or the closing of the easement by the City. Mr. Masters informed they have not yet made application. They wanted to come before the Board first to see if the variance would be approved. They will then pursue the vacation of the easement.

Mr. Smith informed they will have to conclude the procedure by going to District Court so that the Court can vacate the easement.

Mr. Gardner informed the Board should make approval, if granted, subject to the plot plan and subject to the approval of the vacation of the easement.

Mr. Smith informed that only District Court can close that easement, and they will only do it if it is alright with all the utility companies.

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 required rear yard setback from 20' to 12.5' and a variance of the required setback from the centerline of East 38th Street from 55' to 45' all to permit an addition to an existing dwelling in an RS-3 District under the provisions of Section 1670,

Case No. 13015 (continued)

per plot plan and subject to the vacation of the easement or necessary permission from all of the agencies that might be granted rights in that easement, on the following described property:

Lot 12, Block 4, Marion Gardens, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13016

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request for an exception to allow a mobile home in an RS-3 District.

Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the 1-year time limitation to 10 years, located at 2331 North Atlanta Place.

Presentation:

Mary E. Norris, 165 North Garnett Road, #158, would like to move a mobile home on the subject property to be close to her mother who is in very poor health. She does not want to live in her mother's home, but wants to live adjacent to her so she can take care of her until she needs to be put in a nursing home. The mobile home will be new and will be something that can be easily resold and moved off the property when she no longer needs to care for her mother. She informed she does not want a double-wide mobile home because she does not want it to be on the lot permanently. The mobile home will be skirted and will be nice--it will not bring down the neighborhood. She informed the neighborhood is not very desirable and has not been taken care of. The property is on City sewer. There is one mobile home approximately two blocks away from the subject tract. She would be willing to come back to the Board every year for extended approval until she no longer needs to live on the tract. She submitted a letter from her mother's doctor (Exhibit "S-1").

Protestants:

Virginia Reed, 2229 North Atlanta Court, submitted a protest petition (Exhibit "S-2"). She informed they do not want mobile homes in their neighborhood. She informed that the mobile home that is in the neighborhood is to come up for a hearing next month, and they will protest against it. She informed the existing mobile home has been there for a year, but when it was moved in, nobody was notified.

Walter Miller, 1803 North Birmingham Place, informed the existing mobile home was brought in overnight and set up.

Comments:

Mr. Victor informed there are basically two types of mobile homes--those with a very mobile appearance and double-wides that look like a permanent home.

Mr. Victor informed the Board members would like to view the site.

The Board asked the applicant to bring a picture of a mobile home like she is requesting to put on the lot to the next meeting.

Case No. 13016 (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. 13016 to the March 8, 1984, meeting.

Case No. 13017

Action Requested:
Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1215 - Request for an exception to permit a dry cleaners in a CS District under the provisions of Section 1680.

Variance - Section 1215.2 - Included Uses - Use Unit 1215 - Request for a variance of the maximum floor area from 1,500 sq. ft. to 1,658 sq. ft. for a dry cleaning facility, located at the NW corner of 101st Street and South Sheridan Road.

Presentation:
William C. Rothrock, 5953 East 15th Street, works for Yale Cleaners. He informed they use a synthetic fluid--they do not have to have a separate building. They have taken steps, primarily through the purchase of equipment, to remove the fumes. There will not be an odor from the fluid, plus they are in the process of putting a partition all the way to the roof. They have installed an extensive ventilation system that will also draw out all the fumes.

Protestants: None.

Comments:
Ms. Hubbard informed the applicant had applied for a building permit, and while the application was still in process, the Zoning Code was changed, so the applicant had to come before the Board.

Mr. Jackere informed the Code was changed in two respects: (1) This use was removed as a use by right in a CS District, and (2) the size of the establishment was limited to 1,500 square feet.

Mr. Victor asked why the size was limited to 1,500 square feet. Mr. Gardner informed the 1,500 is arbitrary, but just happens to be about a typical unit within a shopping area. This was to prevent having an industrial-type cleaners in a shopping mall. This applicant is very close to the 1,500 square feet, so obviously they have a retail-type facility.

Mr. Gardner informed that anytime there is a dry cleaning establishment in a shopping center, the Health Department is going to require them to take the interior wall all the way up past the ceiling, because normally there is a drop ceiling and the fumes go into the other areas. They will have to meet the latest requirements of the Health Department.

Mr. Victor asked if there would be any conditions that the Board should place on approval of this. Mr. Gardner informed the Board can place any conditions that they feel might be appropriate, but the applicant stated that he will meet the Health Department requirements.

Case No. 13017 (continued)

Ms. Hubbard informed the applicant basically has all the proper clearances--they still have the permit in the permit process, but they could not release it.

Mr. Gardner informed the shopping center they want to locate this facility in is a brand new shopping center.

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 provisions of Use Unit 1215) to permit a dry cleaners in a CS District under the provisions of Section 1680, and a Variance (Section 1215.2 - Included Uses - under the provisions of Use Unit 1215) of the maximum floor area from 1,500 sq. ft. to 1,658 sq. ft. for a dry cleaning facility, subject to Health Department approval as to proper ventilation, on the following described property:

Lot 18, and Lot 17, LESS and EXCEPT the South 150' of the East 125', Block 2, Sun Meadow V, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

OTHER BUSINESS:

Case No. 12997

Action Requested:
Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1212 - Request for a variance to permit antique camera sales and computer sales in an IL District under the provisions of Section 1670, located at the SE corner of East 15th Street and Victor Avenue.

Presentation:
The applicant, Robert B. Reed, 1806 East 15th Street, requested by letter (Exhibit "T-1") that this case be withdrawn and that he be refunded an applicable portion of the fees paid.

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 withdraw Case No. 12997 and to refund $25 to the applicant.

Case No. 13002

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 for the elderly in an RS-3 District under the provisions of Section 1680, located south of the SW corner of East 12th Street and South Yale Avenue.

Presentation:
The applicant, Frank Steven Tate, 2611 East 15th Place, requested by

Case No. 13002 (continued)

letter that this case be withdrawn and that he be refunded an applicable portion of the fees paid.

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 withdraw Case No. 13002 and to refund $25 to the applicant.

Communication from Ray Green, Director, Protective Inspections

Presentation:

Mr. Gardner informed this communication is from the Director of Protective Inspections. Mr. Green suggested that the Board provide a way of notifying applicants that they must comply with the various codes--that just because the Board makes some approval action does not relieve them from other codes. Mr. Gardner informed that Mr. Jackere suggested that this might be something that could be put into the opening statements. Mr. Jackere stated that the people who come in late or who do not pay attention to the open statements may not understand the process, and therefore may be delayed.

There was discussion about what should be added to the opening statements.

Mr. Smith asked the Staff to rewrite the opening statements. The Staff agreed to do this.

There being no further business, the Chair adjourned the meeting at 4:45 p.m.

Date Approved 3-22-84

Chairman