

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 410  
Thursday, April 5, 1984, 1:00 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

| MEMBERS PRESENT                                    | MEMBERS ABSENT | STAFF PRESENT             | OTHERS PRESENT   |
|--|----------------|---------------------------|--|
| Chappelle<br>Purser (in at 2:15)<br>Victor<br>Wait | Smith          | Gardner<br>Jones<br>Wiles | Hubbard, Protective<br>Inspections<br>Jackere, Legal<br>Department (in at 3:47)<br>Linker, Legal<br>Department (out at 3:45) |

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, April 3, 1984, at 11:56 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 1:02 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 March 8, 1984 (No. 408).

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:

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

Protestants: None.

Comments:

Mr. Gardner suggested that this item be continued for one month.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to continue Case No. 12933 to the May 3, 1984, meeting.

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) - Use Conditions - Request for a variance of the required 1-acre lot area to .56 acres and a variance to permit parking in the front yard.

Variance - Section 1205.4 - Off-Street Parking and Loading Requirements - Request for a variance of the required 89 parking spaces to 73.

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Request for a variance of the required side yard from 25' to 5', located south of the SE corner of 54th Street North and Norfolk Avenue.

Presentation:

Wilbert E. Collins, 1345 East Apache Street, submitted some plans (Exhibit "A-1") and informed he represents the Rose of Sharon Baptist Church which is a new church with an approximate membership of about 30 people. For the last three Sundays, they have counted the cars brought to the building, and there have been no more than fifteen at the present site. The number of parking spaces they are requesting will not be utilized or needed from the outset. They will use them as the church grows. On the north side of the church where they are requesting a variance of the side yard is a fire station. This variance will not create any problem there. The station is proposed to be closed in the near future. The church does plan to try to acquire the property to the north of the subject property in the near future.

Protestants: None.

Comments and Questions:

Mr. Chappelle asked Mr. Collins if they have a parking agreement with the shopping center. Mr. Collins informed they have nothing in writing, but both the owner and the store have agreed verbally over the telephone that it would be alright for church parking to be in the Safeway parking lot. He informed that parking at the shopping center is not necessary at this time.

Mr. Gardner informed the applicants are stating that it is their intent to try to acquire the property to the north. If they acquired the property to the north and if that site were cleared, then they would have additional land to meet the parking requirements. If the land is not cleared and they utilize the building as additional space, then their parking requirements would even increase. The Board might make a condition that says if, in the event they acquire additional property to the north, that they must at that time have a letter stating that they can use the parking in the shopping center; otherwise, the cars would have to park in the street--there would be no provision for them.

Mr. Collins informed the restriction that Mr. Gardner mentioned would be acceptable to them.

Mr. Wait asked if there would be an access through the alley to the church property, and Mr. Collins informed there would be. There will

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also be three accesses off of Norfolk.

Ms. Hubbard informed that any access problems would be reviewed through the Building Permit process.

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 approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1205) to allow a church and related activities in an RS-3 District, a Variance (Section 1205.3 (a) - Use Conditions) of the required 1-acre lot area to .56 acres and a variance to permit parking in the front yard, a Variance (Section 1205.4 - Off-Street Parking and Loading Requirements) of the required 89 parking spaces to 73, and a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts) of the required side yard from 25' to 5', per plot plan, and subject to the applicant submitting to the Board in writing an agreement to park in the shopping center's parking lot to the east if they acquire the property to the north and use it for additional sanctuary space, on the following described property:

Lots 3, 4 and 5, Block 10, Sharon Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13036

Action Requested:

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

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1205 - Request for a variance of the side yard setback from 5' to 0' to permit building across a lot line (lots 2 and 3) in an RS-3 District under the provisions of Section 1670, located at the NE corner of South 135th East Avenue and East 36th Street.

Presentation:

The applicant, John E. Heller, 1801 South 120th East Avenue, was represented by Phil Moffit, 3531 South Richmond Avenue, who is a member of the Tulsa Gospel Chapel. Mr. Moffit informed this is a non-denominational Christian Church. They would like to build a small attractive church building on the subject tract which is a part of the Park Plaza East IV Subdivision. The site has excellent access. He submitted a plot plan (Exhibit "B-1") and described the access. The area is well-suited for traffic circulation. The traffic will occur in non-peak hours for the neighborhood and, since it is a church, the arrivals and departures are quite gradual. To the east of the area is a soccer field that puts a lot of traffic on the roads. The Church will have much less traffic than the soccer fields do. The subject tract is about an acre in size and is surrounded by vacant land on three sides. The property has a PSO easement along the north boundary. There are also two electrical utility easements. The proposed building will be about 4,000 sq. ft. with a maximum of 4,400 sq. ft. The auditorium will be 2,000 sq. ft. and the classroom area would be about 2,400 sq. ft. The auditorium will seat from 180 to

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200 people. They intend to obtain a licensed architect to design the building. They want a building that will blend with the neighborhood. It will have a masonry exterior and will be of similar quality to the nearby school. He submitted 5 photographs (Exhibit "B-2"). They want to build a building that will enhance the neighborhood. Mr. Moffit stated that the developer who sold the property to the church obviously felt the church would be a help, rather than a hindrance, to property values. They talked to a realtor who informed them the church would not be a problem as far as property values are concerned. They feel this site is a good location for a church.

Comments and Questions:

Mr. Chappelle asked the applicant how close the church would be to the property immediately north of the subject property, and Mr. Moffit informed it would be approximately 115 to 120 feet from it.

Mr. Chappelle asked Mr. Moffit what the size of the lot is, and Mr. Moffit informed it is .94 acre.

Mr. Victor asked Mr. Linker if the applicant would need another variance since the subject tract does not meet the one-acre requirement for a church. Mr. Linker informed he feels the applicant has substantially complied if they are just lacking .06 acre. He feels the Board should give the applicant the option as to whether or not he feels his notice is sufficient.

Ms. Hubbard informed that the applicant shows parking in the required front yard on his plan. If he wishes to have this parking, he will need to readvertise.

There was discussion about the parking in the front yard. It was stated that the applicant could take out the parking in the front yard and still have the required amount of parking.

Mr. Victor asked the applicant about the access off of 136th East Avenue. Mr. Moffit informed 136th East Avenue is a 60-foot right-of-way rather than the 50-foot standard right-of-way in the neighborhood. It was designed for a little more traffic than usual because it goes from 31st down to 41st. This is a throughway.

Mr. Victor asked the applicant if the subject tract exists as three separate lots (parcels), and the applicant informed that it does.

There was discussion about the number of parking spaces that would be required. It was determined that they would have sufficient parking spaces for this auditorium size.

Protestants:

Steve Merrill, 13536 East 39th Street, informed he is the chairman of the Park Plaza East III and IV Homeowners Association. The Homeowners Association represents about 200 families in the two additions. There has been a great deal of concern shown by the people in the area. They are opposed to this application because everyone bought in this addition because of the fact that it was strictly residential. There is a soccer field in their neighborhood and they have enough traffic generated by it.

They do not want any more traffic or parking problems. He submitted two photographs (Exhibit "B-3") of the Tulsa Gospel Chapel's present structure. They don't want a building like that in their neighborhood. They have not seen any plans for what the applicant is proposing, and they do not want to give the applicants a blank check to come in and build something that will destroy their property values. They want to maintain the integrity of their neighborhood.

Trudy Warren, 3424 South 135th East Avenue, submitted petitions signed by 147 people who are in opposition to this application (Exhibit "B-4"). Ms. Warren informed she lives two doors down from the proposed church site. The people in the area are opposed to any construction other than single-family residences. Many of the signers of the petitions live on the main access streets that the church members would use to get to the church. The church will drastically effect the people who live adjacent to the subject property. The parking lot will come right up to their property line. No matter how earnestly the church elders try to confine the parking to the church parking lot, they honestly feel that special meetings that are held will make it necessary for people to park on the streets. The parents in the area are concerned for the safety of their children because of two reasons: (1) parked cars have always presented a problem for the visibility of playing children, and (2) the flow of traffic to and from the church. They are concerned about the present growth of Park Plaza IV. There are many lots still vacant. They feel that the construction of any church or any kind of commercial property will hinder the sale of the lots, not only directly adjacent to the church, but those throughout the development.

Comments and Questions:

Mr. Chappelle asked Mr. Merrill if it would make a difference to them if the applicants were to come in with some plans of what they propose to build. Mr. Merrill informed they are opposed to any church being located on the property. They do not want a church in the middle of their residential area. There are lots available on the major thoroughfare for church use. They do not feel that the subject tract is an appropriate location for the church.

Applicant's Rebuttal:

Mr. Moffit informed that many neighborhoods have a church in the midst of them. They have talked to realtors, and they do not think it will decrease the property values. The developer, Mr. Anderson, owns most of the surrounding lots, and he has much experience in the development of land. If he was afraid of property values, he would not have sold them the lot in the beginning. There is a problem with traffic now because of the soccer field. The church's traffic would not be near as much as the soccer traffic. They have enough off-street parking with the building to take care of the parking. They did not bring in a full set of plans because they did not want to retain an architect until they were sure they could use the land.

Comments and Questions:

Mr. Gardner informed that what something is designed to accommodate plays a role in what it is best suited for. Many neighborhoods do have churches in them. Many of the newer neighborhoods have large areas set aside for churches. Older areas to have a lot of churches on the interior. Many churches were started by developing them on single-family lots. These

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lots were subdivided and designed to accommodate single-family houses. They were not laid out to accommodate a church. The Board needs to raise several questions about the land use relationships in making their decision. These lots have a little more depth than most because of the utility lines to the north. The Board needs to make a judgement as to whether or not this site is significant to accommodate what the applicant is proposing to do. If it is, the design aspects can be overcome. If it can't, the property should be used for what it was designed for.

Mr. Victor made the observation that due to two lots being corner lots and due to the 100-foot easement, he wondered about the ultimate ability of anyone to develop those lots for single-family residential. They would be paying a lot of money for very little area to build on. He is not sure but that the applicant might not be better off to seek rezoning.

Mr. Gardner informed there is no zoning classification that the applicant could seek that could be approved in this area to accommodate a church as a matter of right.

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 DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1205) to permit a church and church related uses in an RS-3 District under the provisions of Section 1680, and a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1205) of the side yard setback from 5' to 0' to permit building across a lot line (lots 2 and 3) in an RS-3 District under the provisions of Section 1670, on the following described property:

Lots 1, 2 and 3, Block 1, Park Plaza East IV an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13043

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request for a variance of street frontage requirements to permit 4 single-family lots having access to a private street in an AG District under the provisions of Section 1670, located north and west of the NW corner of 101st Street and Yale Avenue.

Presentation:

Roy Johnsen, 324 Main Mall, represented the ownership of the subject property which is slightly in excess of 10 acres. They propose to divide the subject tract into four lots of varied size, the smallest of which will be 2.04 acres. The property meets the lot size requirements of AG, but the Code has a general requirement that any lot have frontage of at least 30 feet on the public street. In this instance, the property to the immediate south is a subdivision within which was established a private street system. An easement was established across the subdivision into the subject property, that, in effect, provides the subject property with permanent and effective access for each of the four lots that are proposed. As a practical matter, the property is not landlocked, but necessitates a variance. This was also the subject matter of

an application for Lot-Split approval before the Planning Commission because there is a proposed expressway located along the northerly portion of the property. That was approved with conditions by the Planning Commission on April 4, 1984. He submitted a plot plan (Exhibit "C-1") which identifies the design of the four lots. This was done in conjunction with the Staff of the Planning Commission. He also submitted a legal description of the metes and bounds tracts that would be used for Lot-Split and subsequent deed purposes (Exhibit "C-2"). The four lots would be served by a mutual access easement that would extend into the existing subdivision to the south. This comes to the Board with the recommendation of the Planning Commission.

Protestants: None.

Comments and Questions:

Mr. Victor asked if there are existing houses on the subject tracts. Mr. Johnsen informed that there are not. The property is proposed to be used for single-family residential purposes.

Mr. Chappelle asked if these tracts sit right in where the proposed freeway is, and Mr. Johnsen informed the northern two do. An effort has been made to design the lots in subdivisions in the proposed expressways so that in the event that there is acquisition, it is along logical lines.

Mr. Johnsen informed they do not have frontage on a public street, but they do have effective recorded access.

Mr. Gardner informed the Planning Commission, when they approved the Lot-Split, required that on the deed be recorded notice to the public that the two northern lots may be acquired for expressway purposes so that anybody buying those two lots will be put on notice that that could occur. They requested that the applicant move the lot lines on the two northern lots down further to the south so that there was 300 feet so that if the expressway goes through and they need 300 feet of right-of-way, they would merely have to buy the two lots. They would not have to buy portions of lots. The Planning Commission has approved the Lot-Split on the basis that sufficient access is there. The lots are of sufficient size.

Mr. Linker informed the Legal Department advised the Planning Commission that all four lots should be given notice, not just the two that are taken by the expressway. The Planning Commission just required that notice be given on two lots. The Legal Department feels that it is important that those two lots that are going to back right up to the expressway be given notice also.

Mr. Johnsen informed the southern lots are big enough that the expressway to the north of them will not materially take a part of their property.

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 approve a Variance (Section 207 - Street Frontage Required - under the provisions of Use Unit 1206) of street frontage requirements to permit 4 single-family lots having access to a private

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street in an AG District under the provisions of Section 1670, on the following described property:

The SW/4 of the SW/4 of the NE/4 of Section 21, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13052

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to permit a mobile home in an RS-3 District under the provisions of Section 1680, located north of the NW corner of Queen Street and Maplewood Avenue.

Presentation:

Robert D. Harrell, 5601 East Xyler Avenue, informed there used to be an old two-room house on the property as well as a lot of debris and trash. He removed all that and has improved the lot. The lot has a chain-link fence around it. Most of the houses in the area have between 700 to 900 sq. ft. and do not have garages. He feels this will be an improvement to the neighborhood. He will have front and rear off-street parking, so there will be no impediment to traffic. He submitted 3 photographs (Exhibit "D-1"). He informed there are two or three other mobile homes within two or three blocks from the subject property. Just to the south of the subject property is a nursery. The area is not strictly residential.

Protestants: None.

Comments:

Ms. Hubbard informed that apparently the mobile home was moved in without a Zoning Clearance Permit and he could not get hookups. She does not recall a complaint.

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 approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1209) to permit a mobile home in an RS-3 District under the provisions of Section 1680, for one year subject to a removal bond, and subject to Health Department approval and the issuance of a Building Permit on the following described property:

Lot 6, Block 4, South Dawson Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13057

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for a exception to permit a church school to be added to an existing church in an RS-3 District under the provisions of Section 1680, located at the NW corner of East 12th Street and South 129th East Avenue.



Presentation:

Rev. Fred Millender, 12805 East 13th Street, submitted 5 pictures of metal buildings (Exhibit "E-1") and described them. The building will be a metal building and will have a typical metal-building roof. He informed there is a metal building on 21st Street similar to what they are proposing. They intend to build a canopy where two cars can drive under it. It will have a Spanish look as their existing building has now. Mr. Millender informed they built their existing building in 1975, and they intend to make the proposed structure one that will improve the neighborhood. They have 15.9 acres. They are 184 feet from any property line. To the north of the subject property is an apartment complex. To the west of them is residential, and to the east is mostly vacant land. The building will be bricked at some point, and if they had to, they would brick it all within a year.

Protestants: None.

Comments and Questions:

Mr. Victor informed it is possible to use the structural frame for a metal building system and then put a different "skin" on it and use a different roof system. This, then, does not look like a metal building and does not look so industrial.

Mr. Wait informed he would rather see some kind of building other than a steel building. He would like to see the plans of an architect as well. Mr. Millender informed they will go to the expense of an architect when they know that they can put the building on the property.

Mr. Linker informed the Board can approve the use with any reasonable conditions as to exterior that the Board would feel appropriate to the neighborhood. He would have to comply with any conditions in his plans.

Mr. Linker informed a condition should be that the applicant bring back plans before a permit is issued.

Mr. Victor informed he has no problem with the use. It becomes a problem for the applicant to have to keep coming back with plans for the Board to approve. Mr. Victor informed he would not have a problem with the applicant coming back with plans if it was conditioned on the building not looking like a metal building.

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 approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1205) to permit a church school to be added to an existing church in an RS-3 District under the provisions of Section 1680, subject to the applicant coming back to the Board with a detailed set of plans prior to the issuance of a building permit, on the following described property:

A resubdivision of Blocks 1, 2, 4, & 5, AND Lots 1 through 5, AND Lots 22 through 33, Block 3, East Central Heights, an Addition to the City of Tulsa, according to the Recorded Plat thereof, being more particularly described by metes and bounds as follows, to wit:

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Beginning at the Northeast corner of Said Block 1, East Central Heights; thence North  $89^{\circ}-59'-37''$  West a distance of 746.70'; thence North  $71^{\circ}-11'-20''$  West a distance of 52.01'; thence North  $89^{\circ}-07'-24''$  West a distance of 264.02'; thence South  $53^{\circ}-47'-43''$  West a distance of 141.09' to a point on the Easterly Right-of-Way line of South 125th East Avenue; thence South  $34^{\circ}-54'-28''$  East along Said Easterly Right-of-Way line a distance of 72.00' to a point of curvature; thence continuing along Said Easterly Right-of-Way line on a curve to the right with a central angle of  $31^{\circ}-15'-37''$  and a radius of 330.00' a distance of 180.05'; thence North  $85^{\circ}-32'-44''$  East a distance of 80.18'; thence North  $89^{\circ}-05'-50''$  East a distance of 191.02'; thence South  $33^{\circ}-44'-42''$  East a distance of 311.46'; thence South  $35^{\circ}-57'-49''$  East a distance of 265.63'; thence South  $56^{\circ}-08'-53''$  East a distance of 208.29'; thence South  $24^{\circ}-37'-55''$  East a distance of 52.80'; thence North  $89^{\circ}-22'-09''$  East a distance of 91.60'; thence North  $89^{\circ}-50'-00''$  East a distance of 50.00'; thence South  $00^{\circ}-10'-00''$  East a distance of 85.22'; thence North  $89^{\circ}-50'-00''$  East a distance of 140.00' to a point on the West Right-of-Way line of South 129th East Avenue; thence North  $00^{\circ}-10'-00''$  West along Said West Right-of-Way line a distance of 1,001.77' to the Point of Beginning, and containing 15.954 acres, more or less.

Case No. 13058

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 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for a variance of the one year time limitation for a mobile home to an indefinite period in an RS-3 District under the provisions of Section 1670.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request for a variance to allow two dwellings per lot of record in an RS-3 District under the provisions of Section 1670, located at the NE corner of West 39th Street and South 27th West Avenue.

Presentation:

William E. Wright, 147 South 34th West Avenue, informed there was a mortgage on the property. He went to the bank and talked to the people, and he is now in the process of removing the existing structure on the property. The people on the block approve of this application. He has just started removing the existing structure, and he hopes to have it completely cleared off in the next two weeks. This is his first application before this Board for this mobile home. He informed that he would like to put the mobile home on a permanent foundation. He submitted 7 pictures of the structure on the subject property (Exhibit "F-1").

Protestants: None.

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,

Case No. 13058 (continued)

Smith, "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 to DENY a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1209) of the one year time limitation for a mobile home to an indefinite period in an RS-3 District under the provisions of Section 1670, and DENY a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow two dwellings per lot of record in an RS-3 District under the provisions of Section 1670, subject to a removal bond, Health Department approval, and the issuance of a Building Permit, on the following described property:

Lot 5, Block 30, Red Fork Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13065

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214 - Request for a variance of the required frontage from 150' to 0' in a CS and OL District under the provisions of Section 1670, located SW of 119th East Avenue and Skelly Drive.

Presentation:

D. Leon Ragsdale, 1615 North 24th West Avenue, informed this Board previously has approved a variance on a preliminary plat for the frontage of one of the lots. In the process of getting the final plat, they discovered that there were some requirements on the drainage that had to be taken care of. They went to a Final Plat Amended that incorporated only one of those pieces and made it to be two lots. They had to request a 0' lot frontage on a private street.

Protestants: None.

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 approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the provisions of Use Unit 1214) of the required frontage from 150' to 0' in a CS and OL District under the provisions of Section 1670, per plat submitted, on the following described property:

A parcel of land located in the S/2 of the SW/4 of Section 5, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows, to wit: Beginning at the Southwest corner of Lot 27, Block 15, WESTERN VILLAGE SECOND ADDITION; thence South 49°-05'-12" West a distance of 881.82'; thence North 40°-47'-41" West a distance of 25.07'; thence South 49°-05'-12" West a distance of 62.04'; thence South 49°-05'-12" West a distance of 165.00'; thence North 63°-32'-15" West a distance of 130.00'; thence North 89°-48'-00" West a distance of 182.50'; thence South 49°-05'-12" West a distance of 40.00' to the point of beginning; thence South 49°-05'-12" West a distance of 122.85'; thence North 40°-54'-48" West a distance of

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141.13'; thence North  $11^{\circ}-08'-30''$  West a distance of 174.11'; thence North  $78^{\circ}-51'-30''$  East a distance of 144.06'; thence South  $19^{\circ}-01'-57''$  East a distance of 237.87' to the point of beginning, containing 1 acre more or less.

Case No. 13067

Action Requested:

Variance - Section 430.2 - Bulk and Area Requirements in the RMH District - Use Unit 1209 - Request for a variance of the livability space in an RMH District under the provisions of Section 1670, located at the SW corner of Crosstown Expressway and 129th East Avenue.

Presentation:

The applicant, Warren G. Morris, P. O. Box 45551, was not present.

Protestants: None.

Comments:

Mr. Gardner suggested that this item be continued for one month.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to continue Case No. 13067 to the May 3, 1984, meeting.

Case No. 13068

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 55' setback from the centerline of East 35th Street to 51.5' for an existing carport in an RS-2 District under the provisions of Section 1670, located east of the NE corner of East 35th Street and Zunis Place.

Presentation:

The applicant, Thomas E. Wier, 2217 East 35th Street, was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to continue Case No. 13068 to the April 19, 1984, meeting.

Case No. 13070

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1208 - Request for a variance of the rear yard setback from 20' to 10' in an RM-T District under the provisions of Section 1670.

Case No. 13070 (continued)

Variance - Section 1800 - Townhouse Development - Use Unit 1208 - Request for a variance of the party wall requirements in an RM-T District under the provisions of Section 1670, located at the NE corner of East 61st Street and 89th East Avenue.

Presentation:

Roy D. Johnsen, 324 Main Mall, represented the owner of the subject property. He read the definition of a townhouse and informed that the definition of "party wall" is never set out in the Code itself. Mr. Johnsen raised the question of what constitutes a party wall. He found in an old Oklahoma case a definition of a party wall as being "a solid wall without windows or openings". He could find no cases identifying how long the wall should be or how high it should be. The customary meaning is "a wall that is a shared wall between two buildings (units)". The developer of this property wants to provide a different approach to townhouse development. He is trying to capture a single-family look in his units. They are attached as he reads the ordinance, but there was a question about it, so they gave notice just in case the Board thought otherwise as to whether or not it did constitute a party wall sufficient to meet the definition of a townhouse. In addition, they are seeking a variance of the required rear yard. He submitted a plot plan (Exhibit "G-1") and explained why he thinks there is justification for that variance. He informed that in RM-T zoning, the minimum lot frontage is 20 feet with a 1,600 sq. ft. minimum lot size. In this project, where it has already been platted but no construction has taken place, the lots are 29 feet on an average--it exceeds the customary minimum required townhouse lot. It also exceeds the size--these have an average of 2,500 sq. ft. as opposed to a 1,600 sq. ft. minimum lot size. The overall density of the project is 28 dwelling units compared to 40± that would be permitted on the property if it were laid out to its maximum yield. He described what a typical townhouse looks like. He thinks the owner's approach is an imaginative approach. He described the plans and how the buildings will look. He feels this meets the definition of a party wall. They are requesting the variance of the rear yard, and he informed they are different than the typical townhouse development because they have a side yard. The back of the dwelling is one level, so it is much more open than would be found in a typical townhouse because there is not a full attachment of the wall there. If the side space were combined with rear space, it would exceed the required yard for a minimum size lot. He feels they have met the purpose of the Code as far as providing openness of the living area. This has been reviewed by Mr. Gardner.

Protestants: None.

Comments and Questions:

Mr. Victor asked about the second variance, and Mr. Johnsen informed if the Board finds that this is a party wall, they do not need that variance.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to find the particular wall in this application to be a party wall.

Case No. 13070 (continued)

Mr. Victor stated that the Board has determined that the connecting wall between these units as presented in this application meets the requirements or definition of a party wall.

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait "aye"; no "nays"; no "abstentions"; Smith, "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 1208) of the rear yard setback from 20' to 10' in an RM-T District under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lots 1 thru 33, Block 1, Farmington Addition to the City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 13090

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 55' setback from the centerline of East 72nd Street to 53' to permit an addition to an existing dwelling in an RS-3 District under the provisions of Section 1670, located at 4363 East 72nd Street.

Presentation:

Diane G. Houston, 4363 East 72nd Street, was represented.

Protestants: None.

Comments and Questions:

Ms. Hubbard informed this property is zoned RS-3. She has checked the Engineering Department's Atlas Pages and found that there is only a total of 50-foot dedication on 72nd Street. Therefore, the required setback is only 50 feet from the centerline of the street, not 55'.

Mr. Jackere informed the applicant does not appear to need any relief.

Mr. Victor asked if the Board could go ahead and approve the variance.

Mr. Gardner informed the question is whether the Board wants to consider refunding the fees.

Mr. Victor asked if they are certain about the setbacks. Ms. Hubbard informed she is certain. Mr. Victor asked what percentage of the application fees the Board can refund.

Mr. Gardner suggested that the Board go ahead and approve the variance on the basis that the zoning may not be correct subject to checking the zoning. If it is RS-3 and it does not need the relief, then the motion should state that the fees will be refunded. If it is the Staff's error, all the fees should be refunded except the notices, etc., that is not the Staff's responsibility.

Case No. 13090 (continued)

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "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 55' setback from the centerline of East 72nd Street to 53' to permit an addition to an existing dwelling in an RS-3 District under the provisions of Section 1670, and to refund the applicant's fees if the Staff should find that the variance was not necessary, on the following described property:

The East 100' of Lot 5, Block 1, Southridge Estates Second Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 13046

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request for an exception to permit a 4-foot wide x 10-foot high sign for an existing office building in an RM-1 District under the provisions of Section 1680.

Variance - Section 1221.3 (g) - Business Signs and Outdoor Advertising - Use Unit 1211 - Request for a variance of the required setback from the centerline of Yale from 60' to 50' to permit placement of a sign in an RM-1 District under the provisions of Section 1670, located south of the SE corner of 33rd Street and Yale Avenue.

Presentation:

The applicant, Gary Van Fassen, P. O. Box 2875, was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to continue Case No. 13046 to the April 19, 1984, meeting.

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) Appeal from a decision of the Building Inspector to cease operation of an interior design consultants business and related incidental activities in an OL district.

Variance - Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1211/1214 - Request a use variance to permit an interior design and decorator business and for the sale of antique furniture and accessories, antique reproductions and the display of fabrics and wall coverings for special order sale in an OL district under the provisions of Section 1670, located east of the NE corner of Utica and East 15th Street.

Presentation:

Charles E. Norman, Attorney, 909 Kennedy Building, represented S. R. Hughes and her daughters, Sally and Beth. They are long-time residents of Tulsa and have been engaged in helping their friends and neighbors in the design and decoration of their homes for a number of years on a volunteer basis. About two years ago, they decided to go into business on a formal basis. They rented the subject property to accommodate their design and consulting business. They have emphasized the use of antiques, antique accessories and related items in their business. They have been in business at this location since November, 1982. They occupied the building after a woman had operated an art gallery in the building. This was approved by the Board in some form in 1975. There were works of art for sale in this gallery as well as some antiques and accessories. The applicants rented the property with the understanding and on the assumption that it had been properly approved for their activity. Use Unit 11 describes the uses permitted in an OL district. This Use Unit is one of the most difficult to interpret of any in the Zoning Code. A number of the uses that are permitted as a matter of right can include certain activities which are essentially similar to the kind of use that the applicants are conducting on the property. He described some of these activities. His understanding is that persons commonly engaged in the interior design consulting business maintain catalogs, fabric samples, and, often, samples of furniture within their offices to exhibit with the purpose of taking orders and ordering items for use in the design and furnishing of a home or a business. To the extent that the applicants are engaged in that activity, this is a use that is permitted by right. They are requesting that they be able to continue the display of wall-covering and fabric samples as a part of this activity with no inventory being maintained on the premises and no wall-coverings or fabrics being delivered from the property. He submitted a series of 16 photographs (Exh. "H-1") of the house in which this activity is located and the interior to give the Board an idea of the extent of the use. This is a very large house and the appearance of it has not been changed in any way that would indicate the nature of the activity conducted inside. There are antiques and antique accessories that are offered for sale on the property. This use is limited in its nature and is characterized by the quality of the activities conducted within the location. He submitted a series of exterior and use restrictions that he had prepared and explained them (Exh. "H-2"). The Board approved a variance for the sale of antiques on a lot about 1 block east of the



subject property--this is also located in the OL district. They believe this use is one that is permitted within the district and one that is compatible with the area. It has a lower level of impact upon the adjacent properties than a number of the uses that are already there which are permitted by right.

Comments and questions:

Mr. Victor asked about the wording on the sign at the present time, and Mr. Norman told him what the signs say now.

Mr. Victor asked Mr. Norman if the applicants would consider changing the wording on the sign to something like "S.R. Hughes and daughters, Design Consultants" only with no mention of the words "antiques" or "gifts" or anything that might elude to any type of sales. Mr. Norman informed they would consider this. Mr. Victor informed a sign like this would reflect only services. Mr. Norman informed that most of the applicant's clientele comes from other sources of advertising. He told what the approved antique shop's sign says.

Mr. Victor asked if there is any other activity on the subject property besides the design consulting and the sales. Mr. Norman informed there is a tenant in the garage behind the property who is engaged in antique repair. He has a sign on the garage at the back of the house. He is not a tenant or sub-tenant of the applicant.

There was discussion about a possible discrepancy in addresses along 15th Street. There was discussion about the location of the approved antique sales business.

Ms. Purser asked if the applicant has parking in place behind the building on the property. Mr. Norman informed there is room for about five or six cars. There are no more than two employees on the premises at any one time.

Ms. Purser was concerned about people parking their cars on the tennis courts. Mr. Norman informed they have no objection to this being limited to this family use. He suggested that the Board go and view the site before they make their decision. They do not intend to do anything that is inappropriate in the neighborhood.

Mr. Gardner informed that there have been one or two antique places in the area that have been approved by the Board.

Mr. Victor asked if Sharp's antiques is gone, and one of the interested parties informed that it is gone.

Ms. Purser informed the discussion on the previous case had to do with the AAA office and the doctor's office that was right there.

Mr. Norman informed there are doctor's offices throughout the area now.

Protestants:

Sherry White, 1518 S. Gillette, informed she is the Barnard Sector Representative for Planning District 6. Today she is representing Gillette Historic District Association, Neighborhood Awareness Group, and the Barnard Neighborhood Association. She informed the reason this case is

before the Board today is because on April 7, 1983, this Board heard a case on the property at 1860 E. 15th (Sharp's Antiques). The applicant wanted a variance to operate an antique store and a tea room. She was the spokesman for the groups she is representing today. They protested the application. During the course of the meeting, the applicant enumerated the other commercial uses on 15th Street. Mr. Adrian Smith then asked her if she, as sector representative, was doing anything about those other uses. She told him that she was not, but these groups had been before the Board five times in the last five years trying to prevent further commercial encroachment. Mr. Smith then told her if she is the sector representative and she knows that the violations are there, she should be pursuing them. After that meeting, she talked with the INCOG Staff and asked what she could do to be of assistance. They replied that they needed a character and use study of 15th Street between Utica and Lewis. Over the next several weeks she collected the information that she was told to collect for the study. On May 5, 1983, she turned over her information to the INCOG Staff. They did a follow-up study, and in October, 1983, she was advised that the next step would be for the three groups she represents to write a letter to the Chief of Protective Inspections citing the violations. This letter was written on October 28, 1983. In January, 1984, a zoning change application came up on 15th Street. She called the Chief of Protective Inspections and asked him if this case was a result of their letter or just a coincidence. He told her that no action had been taken on the letter. He told her that he was under-staffed and he was to process the building permits first and to check the violations in the spare time. She talked to the INCOG Staff again. In March, 1984, cease and desist notices were issued to the three cases in this area on the agenda today. The residential and office property owners put their trust in the Zoning Code when they bought into their property. They are willing and have shown a willingness to help the City enforce the Code in any way that they can. Through their involvement over the past five years, they have proven their commitment to maintaining the integrity of the area on 15th between Lewis and Utica.

Hayden Crawford, Attorney, 1714 First National Bank Building, represented the Barnard Neighborhood Association, the Gillette Historic District Association and the Neighborhood Awareness Group. He informed they have a serious problem in the area. He presented a plat of the area of the subject property. The commercial uses that are under application today are right in the middle of the OL district. He is concerned about a precedent that this could set in the area if these cases are approved. He informed there is a cabinet maker behind the subject property. He submitted 11 photographs of the back of the subject property and of houses in this area that have just recently been renovated and are being used as offices (Exh. "H-3"). They were renovated on the reliance that this is an OL neighborhood. The houses are being restored back into the condition that they were many years ago, with the same character and with no commercial use. They are there to be used in the standards that are required by the light office zoning. He submitted a petition signed by 155 people in the area who are opposed to this application (Exh. "H-4"). He also submitted several letters from office owners in the area that are complying with the OL zoning requirements (Exh. "H-5"). He showed a map where the signatures on the petition and the letters came from in the area. They do not feel that there is any reason for a variance of the Zoning Code. There is no reason for any sales to take place on the premises. This is a service area. The services being

supplied by the Hughes are fine, but the sales are in violation of the Tulsa Zoning Code (Section 1670.3). There is no showing before the Board today that there is any hardship that would justify this variance. There is nothing unique about the subject property that would keep it from being used for light office as other properties in the area are being used. They do not feel that a variance in this case would be in accordance with the Code or the Comprehensive Plan.

Comments and questions:

Mr. Victor commended Ms. White on the efforts she has taken. He thinks she has done an excellent job as a representative for her homeowners association.

Mr. Victor informed he does not think the question of the use of the services of the building as an interior decorator business and showroom is an issue. He asked Mrs. White if it is the retail sales of the items of the showroom that is their protest. She informed they are protesting on-premise retail sales in an OL district. When they started their protest, there was not any cable across the back of the subject property prohibiting traffic. There is a cabinet maker in the back spraying varnish, and trucks were going in and out with cabinets loaded on them. There were four signs in front of the subject property until today. She told what those signs said.

Mr. Victor informed that when the application for the antique and gift shop came before the Board, one of the considerations was the proximity to a very busy area. Ms. Purser informed there were no protestants at that hearing, and Mrs. White informed they were not notified because they were farther than 300 feet from the subject property. They did not have a District 6 sector representative at that time.

Applicant's Rebuttal:

Mr. Norman informed they do not want a general commercial use because this is not a neighborhood for that sort of activity. Their point is that several of these uses were existing in the neighborhood when his client started their business. They had no reason to suspect that that was not a permitted use since something similar had been in the building and others were along the street. They have improved the looks of the home and have indicated that they desire to keep the neighborhood in a residential character. He informed that one of the things that is different about this application is that there is no front yard parking. This property is maintaining a more nearly traditional appearance than anything else in the neighborhood. They feel that most of this is a matter of right and is compatible with what is in the area. It would be harmonious and would maintain the character of the neighborhood even more than its conversion to office--light use under the existing Zoning Code. They feel that they have satisfied the requirements of the Code, in that the granting of the variance would not unduly or adversely affect the neighborhood.

Comments and questions:

Ms. Purser asked if the applicant plans to sell antiques and antique accessories. Mr. Norman informed they are asking for permission to do this.

Mr. Wait was concerned with the sales part of this business.

Mr. Victor asked Mr. Linker if interior design and decorator business is an allowable use by right. Mr. Linker informed he does not think that an interior decorator would be permitted--that would be under Use Unit 14. There was discussion about the difference between interior decorating and interior design consultants. Mr. Linker informed that interior design consultant is in Use Unit 11 and would be permitted in an office district. Interior decorating is Use Unit 14 and that would be retail. Mr. Victor informed he thinks that is a very important difference because in the nature of the two professions, the interior design consultant may have a showroom, but the interior decorator would more than likely have a showroom for the use of sales.

Mr. Victor had a question about what is permitted by right and what is requested by the stated relief. Mr. Linker informed he thinks the applicant is requesting for permission to carry out interior decorating and interior design at this location plus the sale of antiques, reproductions, display of fabrics and wallcoverings. He feels that the application is correct.

Mr. Victor informed he feels that in interior design consulting, the operators would have the right to display samples if they did not sale them.

Ms. Purser feels the Code is clear in Use Unit 11. It says "no retail sales". Use Unit 14 specifically says "with retail sales". She feels the key is whether or not there are retail sales.

Mr. Linker agreed with Ms. Purser's statement and stated he feels the intent is that if there are retail sales connected with the business, then it should not be permitted. If it is just a service and no retail sales, then there is no problem.

Mr. Norman informed his understanding of retail sales is on-premise delivery. That covers the antiques. They do not sale on-premises, in the usual sense, wall-coverings and fabrics such as a fabric store would.

There was a newspaper article submitted concerning this area (Exh."H-6").

Board Action:

On MOTION of PURSER and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to DENY a Variance (Section 610 - Principal Uses Permitted In Office Districts - under the provisions of Use Unit 1211/1214) to permit an interior design and decorator business and for the sale of antique furniture and accessories, antique reproductions and the display of fabrics and wall coverings for special order sale in an OL district under the provisions of Section 1670, on the following described property:

The East 100' of Lot 18, Block 5, Terrace Drive Addition to the City of Tulsa, Tulsa County, Oklahoma.

On MOTION of PURSER and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to DENY the appeal and uphold the decision of the Building Inspector to cease operation of an interior design consultants business and related incidental activities in an OL district, on the above described property.

Date Approved APRIL 19, 1984

Harmon Victor

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector - Use Unit 1214) Request an appeal from the cease and desist order of the City Engineer in an OL zoned district under the provisions of Section 1650.

Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1214 - Request a use variance to permit an existing music consulting business with classical record sales in an existing dwelling in an OL district under the provisions of Section 1670, located at the northeast corner of East 15th Street and Xanthus.

Presentation:

Harry Seay, Attorney, 320 So. Boston Building, Suite 714, represented the applicants, David and Carmita Hedges. Mr. Hedges is engaged in the business of music consulting which they conduct at the subject property. This property is located about three houses down from a permitted variance to sell antiques. He submitted an outline to the Board which included some limitations that they are prepared to accept (Exh. I-1) and a letter from the applicant explaining the application (Exh. I-2). He also submitted 6 photographs (Exh. I-3). Mr. Hedges consults with people who require program notes, who want to install classical record libraries for their business, and who want to start a classical record library. In 1979, the applicant built a large downstairs rear room about 670 square feet in size for the purpose of conducting this business. In that room he consults, and he has also installed, in addition to his substantial personal record library, some classical records and tapes. He does not sell other types of tapes or records. The sales that he makes are, almost without exception, to people that he has consulted with. This helps him service his customers so they don't have to go to a second place to get what they want to get. The use is extremely low-volume and low-traffic. Seldom are there more than two cars in the parking lot. Mr. Seay described other uses in the area. The building on the subject tract is 80% occupied by the applicant and his wife. They live in the building. Only 20% of the building is used for the purposes of selling the records in addition to storing his personal library. The applicants take a great deal of pride in the building. It has a totally residential appearance in the front and back. It is one of the best maintained houses in the neighborhood. The sign is 25 inches by 35 inches in front and is inconspicuous. It mentions "David Hedges, Consultant and Classical Record Sales". Mr. Hedges has no intention of changing the use of the business, the character of his sign, or the character of his house at any time. If the applicants have to move out of the building, the building will unquestionably regress in character. It will cease to be the residential-appearing building that it is, and it will be far less of an advantage to the neighborhood. He does not think that this should be viewed as an encroachment on the neighborhood except in the most theoretical sense. He feels that this is something that is unusual in reality and in appearance. They are a credit to the neighborhood.

Comments and Questions:

Ms. Purser asked the applicant where the sign is located, and Mr. Seay informed it is located out in front.

Mr. Victor asked if the applicant has ever asked for an exception to use the dwelling as a single-family residence, and Mr. Seay informed he received an exception to do this in 1979.

Ms. Hubbard asked the applicant if there are any other employees other than the applicants. Mr. Seay informed that Mr. Hedges has a part-time employee who puts in about 15 hours per week.

Protestants:

Hayden Crawford, Attorney, 1714 First National Bank Building, submitted a petition signed by 150 people in the area who are in protest to this application (Exh. I-4) and some letters from the office owners in the area (Exh. I-5). Their protests are based primarily upon the fact that 20% of the activity in the building is used for sales. He submitted an ad from the Yellow Pages of the phone book which advertises that the applicant has classical records for sale (Exh. I-6). He does not feel this is the proper use of this structure. He does not feel that the applicant's arguments are valid to request this variance. He is concerned about a precedence this could set in the area.

Applicant's Rebuttal:

Mr. Seay informed the purpose of variances is for the Board to consider whether there are unique circumstances in a particular case that would make a given nonconforming use appropriate in a certain area. He feels it is appropriate for the Board to consider the circumstances--the quality of the use, the location, and the manner in which the use is conducted. He thinks the Board should give very careful attention to reviewing these cases to whether or not this is a legitimate outgrowth of a proper use.

Comments and Questions:

Ms. Purser informed the Board works within the framework of the Zoning Code. The Board can grant an exception when they find that there are circumstances that they feel warrant an exception; however, because of the Zoning Code, the applicant is asking for a variance. Under the provisions of the Zoning Code of the City of Tulsa, a variance requires a hardship. She finds no hardship.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to DENY a Variance (Section 610 - Principal Uses Permitted in Office Districts - under the provisions of Use Unit 1214) to permit an existing music consulting business with classical record sales in an existing dwelling in an OL district under the provisions of Section 1670, on the following described property;

Lot 4, Block 5, Subdivision of part of Lot 5, Terrace Drive  
Addition to the City of Tulsa, Tulsa County, Oklahoma.

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to DENY the appeal and to uphold the decision of the Building Inspector in the issuance of a cease and desist order in an OL district under the provisions of Section 1650, on the above described property.

Date Approved APRIL 19, 1984

Raymond C. Viter



Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request for an exception to allow a mobile home in an RM-1 District under the provisions of Section 1680.

Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for a variance of the 1-year time limitation for a mobile home to permanent in an RM-1 District under the provisions of Section 1670, located at the SW corner of Erie Avenue and Xyler Avenue.

Presentation:

Tom Adams, 2035 North Erie Avenue, was represented by Phyllis Zimmerman Wade, attorney, 423 South Boulder Avenue. Last year the applicant was given a one year permit to put his mobile home on this lot. He put up the removal bond and he has complied with every request that was made by the Board at that time. This is a 14' by 70' one year old mobile home. It is factory skirted and is connected to the City Sewer and Utilities. It sits in 10 feet from the side of the lot and sits back from the street. She submitted 5 pictures of the property and the surrounding area where there are mobile homes (Exhibit "J-1"). There are other mobile homes in this area within half a block to the south and to the east. None of the others are as well maintained as Mr. Adams' home. She submitted a letter from a neighbor in support of this application (Exhibit "J-2"). Mr. Adams would like a permanent variance.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1209) to allow a mobile home in an RM-1 District under the provisions of Section 1680, and a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1209) of the 1-year time limitation for a mobile home to five years in an RM-1 District under the provisions of Section 1670, on the following described property:

Lot 1, Block 20, Original Townsite of Dawson, Tulsa County, Okla.

Case No. 13077

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspectors) Appeal from a Decision of the Building Inspector to cease operation of an antique store in an OL District.

Variance - Section 610 - Principal Uses Permitted In Office Districts - Principal Uses Permitted in Office Districts - Use Unit 1214 - Request for a variance to allow an antique store in an OL District under the provisions of Section 1670, located east of the SE corner of Victor Avenue and East 15th Street.

Presentation:

The applicant, Darven L. Brown, 6651 South Lewis Avenue, requested by written note (Exhibit "K-1") that this application be withdrawn.

Protestants: None.

Comments:

Mr. Victor informed that the option to withdraw an item is always valid.

Mr. Gardner informed this application was issued a Cease and Desist order. He wonders if the applicants are going to comply with the Zoning Ordinances. Their only relief is through rezoning or through this Board. If they withdraw, they are subject to the penalties under the Zoning Code as to violations.

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 withdraw Case No. 13077.

Case No. 13079

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Request to allow a mobile home in an RM-1 District.

Variance - Section 440.6 (e) Special Exception Uses in Residential Districts, Requirements - Request for a variance of the one year time limit, located at 1416 East 64th Street.

Presentation:

Madeline Barbara, 1416 East 64th Street, informed she would like her son to live in the mobile home behind her house on the subject property. The Board granted her permission a year ago for one year.

Interested Party:

Mrs. Bill Marrow, 1413 East 64th Street, informed Mrs. Barbara has had the mobile home on the property for one year. She is here on behalf of Mrs. Barbara. The neighbors do not protest against this mobile home. It has been a very good asset to the neighborhood. She lives directly across the street from the subject property. She informed the property is well kept and the mobile home is very nice looking. She would like the mobile home to stay on the property permanently.

Case No. 13079 (continued)

Comments:

Mr. Victor asked where the mobile home sits on the lot in relation to 64th Street, and Mrs. Marrow informed it sits south.

Mrs. Purser asked if the lots in the area are about 2 acres in size, and Mrs. Marrow informed the subject tract is about 2 1/2 acres in size.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow a mobile home in an RM-1 District, and a Variance (Section 440.6 (e) - Special Exception Uses in Residential Districts, Requirements) of the one year time limit to five years, on the following described property:

Lot 2, Block 3, Valley View Addition to the City of Tulsa, Tulsa County, Oklahoma

Case No. 13080

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit auto repair with a service station in a CS District under the provisions of Section 1680, located at NE corner Cincinnati Pl., & 46th St. North.

Presentation:

Kelly Austin, 3128 North Kenosha, would like to put a garage on the subject property. The garage will be 40' by 38'. He presented a plan for the garage and submitted two photographs (Exhibit "L-1"). All the work will be done inside and there will be storage upstairs in a loft. He would not have more than four or five cars parked on the lot waiting to be repaired. They want to keep the place neat. He will build a chain link fence around the subject property so that it will be neat. The hours of operation for the garage will be from around 6:30 or 7:00 a.m. until 7:30 p.m., Monday through Saturday. There will probably be one sign on the building and one sign in front of the building. They will repair mostly cars and pickup trucks and will not do body work. He will have an air compressor on the property as well as a hydrolic lift.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1217) to permit auto repair with a service station in a CS District under the provisions of Section 1680, subject to the following conditions: (1) that all work be done inside; (2) that there be no outside storage of parts; (3) that there be a maximum of five cars waiting to be repaired; and (4) that the operation be limited to Monday through Saturday from 6:30 a.m. to 7:30 p.m., on the following described property:

Case No. 13080 (continued)

Lot 8, Block 11, Fairhill Second Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13081

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 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for a variance of the one year time limitation for a mobile home to permanent in an RS-3 District under the provisions of Section 1670, located north of the NE corner of West 5th Street and South 39th West Avenue.

Presentation:

Charles R. Newport, 425 South 39th West Avenue, was represented by William Record, 1227 South Delaware Avenue, informed they have complied with all the rules. He brought pictures of what the property looked like before and what it looks like now. He submitted a petition with 43 names of people who are in favor of this application (Exhibit "M-1").

Protestants: None.

Comments:

Ms. Purser had a concern about the number of single-family homes on small lots in the neighborhood. She thinks five years is a long time for this to be approved.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "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 - Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1209) of the one year time limitation for a mobile home to five years in an RS-3 District under the provisions of Section 1670, on the following described property:

Lot 7, Block 1, Park View Place Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13082

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception for a retail tire center in a CS District under the provisions of Section 1680, located north of the NE corner of East 5th Street and South Sheridan Rd.

Presentation:

Harold W. Burlingame, 6660 South Lewis Avenue, was represented by Kenneth G. Miles, 201 West 5th Street. Mr. Burlingame is the prospective purchaser of the subject tract. The use unit exception that is being

requested is strictly for a retail tire center outlet that actually sells and installs tires on cars, balances tires, mounts them, aligns them, etc. It is not a recapping center. He submitted a plot plan (Exhibit "N-1"). The property bordering the RS-3 District to the immediate east of the property has a screening fence that is approximately 7 1/2 feet to 8 feet high. That screening fence also borders approximately 2/3rds of the north boundary that borders the property immediately north of the subject tract. There is contemplated no open storage of any of the items to be sold from the property. They have fourteen existing parking spaces which exceeds what he believes the Code would require. He believes the property will accommodate sixteen parking spaces very easily. Mr. Miles informed that immediately to the south of the subject property is a convenience store. There is a retaining wall between the subject property and the tract to the south. To the north of the subject tract is an old residence that he believes is now being used for office purposes. This building to the north is in a CS District. The only RS zoning bordering the subject property is to the immediate east. There is an existing building on the subject tract. It is like a prefab metal warehouse building. The waste tires will be put in a dumpster on the back of the subject tract. The existing signage is on the building. Mr. Burlingame would comply with zoning limitations with whatever kind of signage he had.

Protestants: None.

Comments:

Ms. Purser informed she has a problem with the residential property to the north.

Mr. Victor informed that Mr. Gardner had stated that that area is not designated for use as residential in the Comprehensive Plan. It is designated commercial, and the only reason it is not zoned commercial is because they have not come in and changed it.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1217) for a retail tire center in a CS District under the provisions of Section 1680, per plot plan with no outside storage of any materials or outside work, and subject to the existing screening wall being maintained, on the following described property:

Lots 16, 17, and 18, Block G, Crestview Estates an addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Variance - Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1214 - Request a variance to continue retail clothing and accessory sales in an OL district under the provisions of Section 1670, located at the SW corner of East 15th Street and Yorktown.

Presentation:

Paul E. Moore, owner of Lifestyle, 1888 E. 15th St., was represented by Bill Harrington, Attorney, 201 E. 15th St. He submitted a petition in favor of this variance (Exh. "0-1"). The people who signed the petition live within 300 feet of the subject tract. Mr. Harrington informed that Lifestyles has been at this location for 5 1/2 years without a complaint until now. The building was previously occupied by a doctor and an accountant. On July 1, 1978, Lifestyle moved onto the subject property and has been there ever since. They operate a very respected type boutique. This is a service to the community. The boutique is high-class and sells specialty items. They do have sales--that is the primary purpose of a boutique. This is something that is not obnoxious in itself. The owners of Lifestyle represent a clientele that come into their shop much as a patient would come into a doctor's office. The building has not been changed in any way. He does not think they detract from the area at all. He feels that any complaints should have been voiced many years ago. He submitted six photographs of other businesses in the area and of the subject property (Exh. "0-2").

Paul E. Moore presented a drawing of the area and described it.

Comments and questions:

Mr. Victor asked if there are any other businesses in the building on the subject property. Mr. Moore informed that they occupy approximately 1/3 of the building. There is also a contracting business and a dentist.

Mr. Victor asked if the applicant's business is the sale of clothing, and Mr. Moore informed they sell clothes and accessories--belts, scarves, hats, purses, etc.

Mr. Victor asked if their market is a general market or a specialized-type market. Mr. Moore informed that is is a very specialized market. They are a one-of-a-kind clothing boutique. They cater to a very minor part of the general public. They are much more individualistic than a department store is. He informed they chose this neighborhood to locate their business in because it is unique. Mr. Moore also informed that they do provide off-street parking.

Mr. Harrington informed that is would create a hardship on Mr. Moore and Lifestyle if they have to move after this length of time. He feels the Board should consider this.

Mr. Moore informed the people signed the petition with the understanding that this is for Lifestyle and not some other business.

Protestants:

Hayden Crawford, Attorney, 1714 First National Bank Building, represented the Gillette Historic District Association, the Barnard Neighborhood Association and the Neighborhood Awareness Group. He submitted a protest

petition which has been signed by 151 homeowners in the area (Exh. "0-3") and some letters from office owners in the area (Exh. "0-4"). Mr. Crawford does not feel that the arguments presented by the applicant are the issues in the case. This is a commercial activity that deals in sales of products, not services. He informed that the corner this is located on is a critical corner. He is concerned about a precedent that this could set in the area. He does not feel that there is a hardship in this case. The people should have checked into the zoning before they moved on the subject property. He submitted three photographs of the subject tract (Exh. "0-5"). Mr. Crawford feels that the applicant's clientele will follow them if they have to move the business. The applicant brought traffic with them when they moved to 15th Street. He submitted an ad from the Yellow Pages of the phone book which advertises this business (Exh. "0-6"). He feels this is totally in violation of zoning. He feels the applicant should be requesting a change in zoning-- they are not even advertising for any services which are related to the sales. He does not think there is anything unique about this property which keeps it from being used for light office, because in the same building there are two offices already.

Applicant's Rebuttal:

Raymond Elkins, a trustee for the Garland Irby and Lena Mae Irby trust, informed that even in previous uses, the outside of the building has never been altered. A denial of this application would be a hardship for Mr. Moore because he just signed a new five-year lease about three weeks before they received notice that they were in violation of the Code. They would like for the Board to allow the variance at least for the remainder of the lease, upon which time they will agree that the property will return to light office uses.

Comments:

Ms. Purser read the definition of a variance from the Zoning Code. She does not find this kind of hardship on this piece of property.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to DENY a Variance (Section 610 - Principal Uses Permitted in Office Districts - under the provisions of Use Unit 1214) to continue retail clothing and accessory sales in an OL district under the provisions of Section 1670, on the following described property:

The North 170 feet of Lot 1, Block 2, Maywood Addition of the City of Tulsa, Tulsa County, Oklahoma.

Date Approved APRIL 19, 1984



Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit a country day school (nursery, daycamp, private school) in an RS-3 District under the provisions of Section 1680, located 1/2 mile West of West 67th Street and South Elwood Avenue.

Presentation:

Charles Norman, 909 Kennedy Building, represented Riverview Country Day School, which proposes to organize and operate a non-profit, non-denominational, independent, accredited school at this location. The head of the school will be Mrs. Marty Clark who has been involved in education for a number of years and has been employed as the director of the Kirk of the Hills Preschool for several years. She is involved in the organization of this new school. This site was selected because it is in an area of the City that is rapidly gaining access to the entire Metropolitan area. He submitted a map (Exhibit "P-1") which indicates the sparsity of development within this entire square mile from Union to Elwood and from 61st to 71st. The subject tract is 10 acres in size and is an interior site. It is abutted on the east by a large-lot development. He submitted a copy of the letter that Mrs. Clark wrote to all the property owners within 300 feet of the subject property (Exhibit "P-2"). This letter describes the school and the manner in which it is proposed to be operated. The school would be from nursery school (3 months) through the fifth grade and would be fully accredited for both the day-care operation and the school itself. He presented an aerial photograph which shows the character of the neighborhood and the subject tract. On the property are three ponds and a number of trees. There is an existing single-family home of good quality on the lot. This home is not included in the proposed school use. The school is proposed to have 5,120 sq. ft. and would accommodate, under existing licensing and accrediting rules and regulations, a maximum of 120 children. It would be provided with access from 68th Street and would provide off-street parking for about 26 cars plus six places for Staff and a turn-around area for loading and unloading of the children. This would be completely off of the adjacent public street. This is a very interesting and attractive area. It is one that the organizers of the school feel will be ideal for this type of educational institution. The building will be of residential-type construction. It will be wood-frame. He submitted a series of 12 photographs (Exhibit "P-3") which indicate the character of the area and the fact that the lots are large--most are probably an acre to 2 1/2 acres in size. Some of the photographs are of the subject tract. One of the things that he thinks is still a part of the Comprehensive Plan for the City is that elementary schools should be located on the interior of neighborhoods. This school is designed to serve children from the entire area, and it does meet the locational standards for this kind of educational institution. Mr. Norman informed that the additional area that is shown as an expansion of 1,400 sq. ft. would not be to accommodate any additional children. It is an expansion they would like to make in the future. The hours of operation of the school would be 8:45 a.m. to 2:30 p.m. with extended care being offered for working parents from 7:30 a.m. to 5:30 p.m. There would be 10 employees initially, and that number would be increased to 12 when the full enrollment is reached. The school would be in operation from Monday through Friday. They have been granted a non-profit charter by the State of Oklahoma.

Comments and Questions:

Mr. Jackere asked Mr. Norman if they are contemplating evening activities, and Mr. Norman informed there could be a P.T.A.-type activity from time to



time with the elementary school grades. There will be no other activities at night except those normally associated with an elementary school. There will be no evening classes or childcare.

Mr. Victor asked if the applicant anticipates that all the students will be brought to the school by private transportation. Mr. Norman informed initially they will be. The size of the school would preclude the operation of a bus for some time.

Mr. Victor asked the applicant if there would be sufficient control over the students to keep them out of the surrounding property. Mr. Norman described how the property will be fenced. The house on the property will remain as a single-family residence.

Protestants:

David Gibson, 777 West 67th Street, informed that Mr. Norman said that there would be 125 students maximum, but in the letter he received the maximum number was given as 200. They do not believe that their streets in the area will handle the traffic that this would generate. They are an isolated addition. He submitted a petition signed by several families in the area that are against this application (Exhibit "P-4"). Mr. Gibson informed they do not have good water pressure, and they do not think the school will help that situation. They do not have sewers; they are on septic systems. He is concerned about the noise that a school will generate. They do not wish to have farm animals in the neighborhood. The covenants of the addition do not allow for farm animals. There are people that do have them in the area. He informed they are planning to have a summer camp, so this would be a year round situation. He informed that the ponds are part of a runoff area that drain the surrounding hills. They are not sure what the increased parking and sewage would do to that runoff water. The ponds are all flooded right now. They do not feel that this proposal would be conducive to a neighborhood type atmosphere.

Applicant's Rebuttal:

Mr. Norman informed the maximum number of students will be 120, not 200. The school was designed for that number. They already have an indication of interest from approximately 60 children. In many instances, there is more than one child from the same family. There would not be one car coming to the property each day for each child. There will be carpools and more than one child from each family. The property is presently served by a 2-inch water line to the corner of the property. They have been told by the water district that they would be required to extend a four inch line to the property from Houston Avenue to the west. They have also reviewed the septic system with the City/County Health Department. This has been approved in concept, and the preliminary percolation tests indicate that this will be satisfactory. They will have to live with whatever requirements are made by the health authority. It is not their intention to keep or maintain any farm animals on the subject tract. The reference in the letter referred to the animals in the general area. Mr. Richard Couch, one of the surrounding property owners, has authorized Mrs. Clark to say that he has no objection to the location of the school. He feels there will be a lot more development in this area as the situation improves, and the area will change. This will be a fine location for the kind of school that is proposed. They believe that it meets the locational requirements for schools and educational institutions and request that the Board approve this subject to any additional conditions they may wish to impose.

Comments and Questions:

Ms. Purser asked Mr. Norman if there is any access to this property from 71st Street other than 68th Street. She asked if Elwood was the only street they could come in from. Mr. Norman informed that is the only access at this time. They can come in from 67th or 68th or both. All the access would be confined to 68th Street. Mr. Norman informed if it were critical to access, the driveway could be extended on out without interfering. It is all one ownership.

Ms. Purser informed that she agrees that a proper elementary school concept is that it is on the interior away from the busy streets, but that is usually because the children walk to school. This is a different situation than that of a traditional elementary school because most of the children will come in an automobile. She is concerned about the load on a residential street. Most come and leave at the same time.

Mr. Norman informed that in many instances, the interior located schools serve areas larger than one square mile. Almost any elementary school is going to have some automobile traffic of people bringing their children to school. Their alternative is to put the elementary school on the arterial street, and that does not accomplish a lot of other desirable objectives as far as location of these kinds of institutions.

Mr. Norman informed it is possible there will be a collector street or some other street pattern developed in this section from 71st Street. At some point, there will be other points of access. This is an area that is probably the least populated of any section falling within the City of Tulsa. They could have a driveway on the north that would provide two points of access in and out of the property. That would cut the burden in half on one street.

Mr. Victor informed he has no problem with this use in the area. He thinks the consideration is the traffic, but he agrees with what Mr. Norman said about the future access to the property.

Ms. Hubbard asked Mr. Gardner if the access could be taken care of in the platting requirement. They are subject to the platting, but she asked if he thought TMAPC would waive the plat. Mr. Gardner informed that TMAPC would not have any way to require them to get some access off-site by creating another street. In time, there will be additional streets in that area.

Ms. Purser asked if this could be approved (she has no problem with the site) with a condition that the applicant has to come back to the Board so the Board can review the traffic situation after the school is in session for a period of time. Mr. Jackere informed he would not have a problem with a condition like that.

Mr. Norman informed that the school wants to be a good neighbor and they would be happy to come back and have the traffic reviewed.

There was a question as to how a half-section line street would develop in the area. Mr. Gardner informed that as developments occur, dedications will be required for streets to serve the area.

There was discussion about what conditions should be placed on this and how the motion should be worded.

Case No. 13084 (continued)

Mr. Norman informed they will have to open in a temporary location in September. Their new facilities will probably not be ready.

Mr. Victor asked Mr. Grant Easterling, Architect, 5553 South Peoria, when he thinks would be an appropriate time after the building is opened and in operation for the Board to review this. Mr. Easterling informed it could be a year from now or into the summer if the Board wants to review the situation after the school has been in operation at this site for six months. It could be earlier if negotiations take place and if they are able to come to some construction terms to complete at an earlier date.

Ms. Purser suggested that they pick a date, and if there has not been sufficient time to view the traffic, they can continue the case.

Board Action:

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

The West 327.65 feet of Lot 2, Block 3, CATES ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and a part of the NW/4 of the SE/4 of Section 2, Township 18 North, Range 12 East, Tulsa County, Oklahoma, and being more particularly described as follows, to wit: BEGINNING at a point on the North line of Lot 2, Block 3, CATES ADDITION, said point being 104.81 feet West of the Northeast corner of said lot, and being on the South right-of-way line of West Sixty-Seventh Street South; thence South  $0^{\circ}-31'-02''$  East a distance of 548.16 feet to a point; thence South  $89^{\circ}-58'-35''$  West a distance of 769.35 feet to a point on the West line of the NW/4 of the SE/4 of Said Section 2, Said point being 329.40 feet North of the Southwest corner of the NW/4 of the SE/4, Section 2, T-18-N, R-12-E; thence North  $0^{\circ}-27'-57''$  West a distance of 577.84 feet to a point; thence North  $89^{\circ}-57'-11''$  East a distance of 441.28 feet to a point on the West line of CATES ADDITION; thence South  $0^{\circ}-31'-02''$  East a distance of 30.00 feet to the Northwest corner of Lot 2, Block 3, CATES ADDITION; thence North  $89^{\circ}-57'-11''$  East a distance of 9.75 feet to a point; thence South  $36^{\circ}-55'-01''$  East a distance of 0.00 feet; thence along a curve to the left, with a central angle of  $106^{\circ}-15'-37''$  and a radius of 50.00 feet, a distance of 92.73 feet to a point; thence North  $89^{\circ}-57'-11''$  East a distance of 237.80 feet to the POINT OF BEGINNING, and containing 9.9535 acres, more or less.

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to amend the motion to restrict the use as presented with the building size being 5,120 sq. ft., with no more than 120 children in attendance at the school in this building, and that the hours of operation should not extend beyond 7:30 a.m. to 5:30 p.m., Monday through Friday.

Case No. 13084 (continued)

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to retain jurisdiction over Case No. 13084 for hearing the first meeting of March, 1985, to review access to the site to see if there is a sufficient problem to extend access to 67th Street.

Case No. 13085

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, located at the NE corner of 49th Street and South Quaker Avenue.

Presentation:

Joseph McCormick, 1776 One Williams Center, is the attorney for Saint Mary's Church. They would like to construct a new church building on the subject property. They already have several facilities in this area-- the rectory, the school, the activity center. The proposed parish hall is where they are now operating. They own two of the lots of the subject property and have the third one under contract. He submitted a plat (Exhibit "Q-1") and described it. The two lots that are between the convent and the proposed church are owned and are being used as single-family residences. They have discussed their proposal with them and have attempted to take care of their concerns. He informed that Quaker has mainly smaller single-family homes, many of which are rented. Directly to the north of the subject property is an apartment complex.

Comments and Questions:

Ms. Purser asked the applicant if he was going to have trouble with setbacks. The Board usually requires something more than concept when dealing with these cases because of setbacks, etc. Mr. McCormick informed they are looking to stay within the setback lines as they are. If they have to violate a setback, they do understand that they will have to come back to the Board. They are going about it this way because they have a contract to purchase Lot 6 that is contingent upon their getting this approval. If they cannot get the approval on these three lots, they will have to draw something totally different.

Ms. Hubbard informed it appears that they meet all their setbacks. She asked if the applicant needs variance to build across lot lines. There was discussion about whether or not he would need the additional relief.

Ms. Purser asked the applicant if building this sanctuary would involve a lot of height, and Mr. McCormick informed the trend these days is to spread out and have the building at a lower level, rather than having high steeples.

Mr. Gardner informed there is a height limitation of 35 feet. Concerning building across lot lines, there was an interpretation by the Legal Department that if you build a house across a lot line, you don't have to ask for relief from the setback from a lot line. By the very nature of building across the lot line, the two lots are tied together so that they cannot be sold separately. He thinks that rationale would be true in this case as well.

Ms. Purser informed she has a great deal of concern about opening up a residential street to this use. If they built the sanctuary on the game

Case No. 13085 (continued)

field area and put playing area over in the neighborhood, it would be much less intrusive to the neighborhood.

Mr. McCormick informed they have committed to the neighbors that they will not put driveways onto Quaker. All of their parking will be behind the church.

Protestants:

Ruth Blazier, 4911 South Quaker, feels this will directly affect her property values because she will be in a pocket completely surrounded by church property. This large building they are proposing poses a threat to her peace and security. They already have trouble with people coming to the church property and parking on both sides of Quaker almost blocking traffic. If a larger sanctuary is built, the parking and traffic will become worse. She is concerned about the noise of construction that would go on on the lots adjoining her lot. She works an evening shift and she needs daytime sleep--construction would make this impossible. The church plans to locate the air-conditioning unit for this large proposed building on the south side which faces her house. This would be a constant source of noise. She was concerned that relocating the sewer lines would harm her large trees. She feels that her rights as a long time property owner are threatened by further construction by the church. The building will be only 25 feet from her property line.

Applicant's Rebuttal:

Mr. McCormick informed they want to be a good neighbor and do not want to jam anything down anybody's throat. They can live with whatever criteria the protestants want to give them. If the protestants are against this, they would like this to be continued so they can talk to them. They do not want to hurt anybody.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to DENY 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, on the following described property:

Lots 6, 7, and 8, Block 17, Bellaire Acres Second Extension to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13086

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts- Use Unit 1214 - Request for a variance to permit retail resales in an existing building (old feed store) in an RS-3 District under the provisions of Section 1670, located at the NE corner of 32nd Street North and Harvard Avenue.

Presentation:

Margaret Gibbs, 4833 North Wheeling Avenue, informed she will keep her establishment clean and free from old discard items. The building on the subject property is presently vacant. She has done a lot of work on it. She will sell garage sale items.

Case No. 13086 (continued)

Protestants: None.

Comments and Questions:

Mr. Victor asked Mr. Gardner if he thought the property would ever be used as RS-3, and Mr. Gardner informed he cannot specifically recall what the Plan calls for, but just north of 32nd Street is industrial zoning. If the Gilcrease Expressway ever gets built, this will be next to the expressway. He thinks the plan might permit commercial usage of the property. It has been a commercial building in the past. The property to the north of the subject tract is vacant.

Ms. Gibbs informed there is a parking lot to the south of the subject property. This will not be like a flea market. She will run the whole operation herself. The operation will be kept inside the building. If she has something outside, it will be put back in in the evening.

Mr. Victor asked the applicant how much parking she has in front of the building. Ms. Gibbs informed the lot is 60' by 154'. She can make adequate parking.

Mr. Jackere informed right across the street from the subject property is medium intensity industrial and there is a lot of open storage.

Mr. Gardner informed that what is unique about the subject property is that most of the surrounding property is zoned nonresidential.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1214) to permit retail resales in an existing building (old feed store) in an RS-3 District under the provisions of Section 1670, subject to all sales being conducted from within the building, on the following described property:

Lot 13, Block 5, Mohawk and Howard Addition an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13087

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to permit a headstart center in the Wiley Post Elementary School in an RS-3 District under the provisions of Section 1680, located north of the NW corner of 54th Street North and Madison Avenue.

Presentation:

Carrie C. Barnes, 764 East Virgin Street, was represented by Juanita Mansford, 764 East Virgin Street, the Tulsa County Headstart Director. This headstart center would be located in Wiley Post Elementary School. They would like for the number of children to be dependent upon the guidelines of the licensing department of the State of Oklahoma. Right now there are two rooms available in the school. The school will be closed at the end of May and they are negotiating with Tulsa Public

Case No. 13087 (continued)

Schools to lease more of the building. The center will be operated Monday through Friday from 7 a.m. to 6 p.m. Most of the program would operate between 8 a.m. and 4 p.m.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by WAIT, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the provisions of Use Unit 1205) to permit a headstart center in the Wiley Post Elementary School in an RS-3 District under the provisions of Section 1680, with the hours of operation being Monday through Friday from 7 a.m. to 6 p.m., on the following described property:

Beginning at a point on the North line of the NE/4 of Section 12, Township 20 North, Range 12 East, Tulsa County, Oklahoma, said point being 610.0' West of the NE corner thereof; thence due South parallel to the East line of Section 12 a distance of 226.0'; thence North 89°-42.5' East a distance of 160'; thence due South a distance of 656.0'; thence South 89°-42.5' West a distance of 150'; thence due South a distance of 260.7'; thence South 89°-46.5' West a distance of 1,130.38' to the Easterly Right-of-Way line of the Midland Valley Railroad; thence North 18°-47.458' East along said Right-of-Way a distance of 1,208.94' to a point on the North line of Section 12; thence West along said North line a distance of 25.25'; thence South 18°-47.458' West a distance of 541.84'; thence North 89°-42.5' East a distance of 577.5'; thence due North a distance of 511.0' to the North line of Section 12; thence North 89°-42.5' East a distance of 303.0' to the point of beginning.

Comments:

Mr. Gardner informed it should be made clear that this is to operate within the existing building.

Case No. 13088

Action Requested:

Variance - Section 1221 - Business Signs and Outdoor Advertising - Use Unit 1221 - Request for a variance of the 750' space between signs to 500' to permit replacement of an existing sign in a CS District under the provisions of Section 1670.

Variance - Section 1430 - Nonconforming Signs - Use Unit 1221 - Request for a variance to permit replacement of an existing sign with a newer model in a CS District under the provisions of Section 1670, located at the NW corner of East 31st Street and Yale Avenue.

Presentation:

Arthur Crabb, 2749 South 94th East Avenue, informed he was denied a sign permit because of a moratorium the City had issued. They were trying to decide how far to space existing and new signs. They have an existing message center at 31st and Yale. They would like to modify the existing sign with new modifications, new technology, electronics, etc.

Protestants: None.

Comments and Questions:

Mr. Gardner informed it was his understanding that there is a great deal of electric cost involved in the operation of the existing sign. There are newer techniques and newer equipment that will reduce that cost substantially. The impression he got was that they still wanted that type of sign, but it will be revised. The question is what is the extent of replacement. Will it be replaced with a bigger sign, or will the equipment that runs the electrical aspects just be modified?

Mr. Victor asked about the variance of the 750-foot space between signs. Mr. Jackere informed there is a new City Ordinance on spacing requirements. Apparently, there is a sign within 750 feet from this sign. If there were no sign within 750 feet of the existing sign, he could enlarge it to within the limits allowed by the Ordinance. The sign is not as large as the Ordinance would have permitted.

Mr. Crabb informed they want to modernize their sign. It will be enlarged from 10' by 24' to 14' by 26'. The property would allow twice this size on it.

With the new electronics involved, the sign will operate at about 1/3 the cost that it operates at now. The new sign will use a new kind of circuitry.

The Board members were concerned about a precedent this could set for every other sign in the City.

Mr. Victor asked if there is a sign in Tulsa like they are proposing that they could go see. The applicant informed there is not one in Tulsa--there are several on the west coast.

Ms. Purser informed that she cannot imagine that the intent of the Ordinance was so that we could keep the spacing that we have now and make everything bigger.

Mr. Jackere informed these are nonconforming signs. The Code does not permit a person to enlarge a nonconforming use.

Ms. Purser informed she does not see a hardship in this.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to DENY a Variance (Section 1221 - Business Signs and Outdoor Advertising - under the provisions of Use Unit 1221) of the 750' space between signs to 500' to permit replacement of an existing sign in a CS District under the provisions of Section 1670, and a Variance (Section 1430 - Nonconforming Signs - under the the provisions of Use Unit 1221) to permit replacement of an existing sign with a newer model in a CS District under the provisions of Section 1670, on the following described property:

The SE corner of Section 16, Township 19 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, Oklahoma; thence



Case No. 13088 (continued)

North 89° and 59 minutes West 354.62 feet; thence North 0° and 6 minutes West for 50 feet to the point of beginning; thence North 0° and 6 minutes West 190.28 feet to a point; thence Southeasterly along a straight line for 359.54 feet to a point that is 50 feet Westerly of the East line of Section 16 and 50 feet Northerly of the South line of Section 16; thence North 89° and 59 minutes West for 304.68 feet to the point of beginning.

Case No. 13089

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request for a variance to permit an accessory building on a lot as the principal use in an RS-3 District under the provisions of Section 1670.

Variance - Section 240.2 (e) - Yards - Permitted Yard Obstructions - Request for a variance of the allowed 750 sq. ft. accessory building to 900 sq. ft. in an RS-3 District under the provisions of Section 1670, located east of the SE corner of East 8th Street and Madison Ave.

Presentation:

Winston L. Anderson, 200 Civic Center, Room 214, represented the City of Tulsa Streets Division. This accessory building would serve the Oaklawn Cemetery. In the past they have had a number of problems with vandalism and various mischief. They have been losing a lot of equipment from the area. There is no land available in the cemetery to build a building on. They have acquired this property through an exchange with the American Legion. It will be a metal structure and will open directly onto the cemetery and will be tied to the cemetery. He submitted a site plan (Exhibit "R-1") and explained it. He also submitted a brochure with a picture of the proposed building on it (Exhibit "R-2").

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions: Smith, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts) to permit an accessory building on a lot as the principal use in an RS-3 District under the provisions of Section 1670, and a Variance (Section 240.2 (e) - Yards - Permitted Yard Obstructions) of the allowed 750 sq. ft. accessory building to 900 sq. ft. in an RS-3 District under the provisions of Section 1670, on the following described property:

A tract of land lying in Lots 4 and 5, Block 4, Oaklawn Addition to the City of Tulsa, Tulsa County, Oklahoma, said tract being more particularly described as follows, to wit: The West 20.00' of the North 105.00' of Said Lot 5, and the South 35.00' of Said Lot 5, and the South 35.00' of the West 7.5' of Said Lot 4, and all that part of the vacated alley lying South of and abutting the above described tract of land.

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the side yard setback from 25' to 15' and a variance of the setback requirement from the centerline of East 55th Place to permit an addition to an existing dwelling in an RS-2 District under the provisions of Section 1670, located at the SW corner of East 55th Place and Atlanta Avenue.

Presentation:

B & K Cabinets, Route 6, Box 331-B, was represented by Bill Phillips, Route 6, Box 331-B, Claremore, who informed they would like to add a two-car garage onto the existing garage. He submitted a plan (Exhibit "S-1") and described it.

Protestants: None.

Comments and Questions:

There was discussion as to whether the applicant needed relief on the side yard or the rear yard. Mr. Gardner informed he needs relief from the north and the west. The Ordinance says that there is a setback from both streets. Where he is building his addition really encroaches into the rear yard, even though it might appear that it is an extension of the side of his house. He is advertised to go from 25' to 15', but it is not a side yard, it is a rear yard. He needs the other variance because he is just lining up with the building that is already there. He is not trying to go closer to the street than what the building already is. His extension is to go directly west of where the garage is now.

Mr. Gardner asked the applicant what he is doing with the existing garage. Mr. Phillips informed they have four cars and would like to have enough garage space to lock them all up at night for security purposes.

Mr. Gardner asked if the applicant has ever had a business or worked on automobiles. Mr. Phillips informed that he has not.

Mr. Victor informed the hardship could be that this is a corner lot and he is restricted where he can build.

Board Action:

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On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "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 setback from 25' to 15' and a Variance of the setback requirement from the centerline of East 55th Place to permit an addition to an existing dwelling in an RS-2 District under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 9, Loyalty Ridge Addition to the City of Tulsa, Tulsa County, Oklahoma.

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to amend the motion to restrict the use of the garage for non-commercial purposes for storage of passenger automobiles.

Case No. 13092

Action Requested:

Variance - Section 420.2 - Accessory Uses In Residential Districts - Use Unit 1206 - Request for a variance to permit a detached accessory building in the side yard in an RS-2 District under the provisions of Section 1670.

Variance - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request for a variance of the 750 sq. ft. maximum area for an accessory building to permit a 1,720 sq. ft. accessory building (2-story garage, walkway, porch) in an RS-2 District under the provisions of Section 1670, located at the SE corner of East 75th Street and South Knoxville Avenue.

Presentation:

W. H. Walker, 2121 South Columbia Avenue, informed this will be a game room above a garage. He submitted a topo (Exhibit "T-1") and explained it. There will not be a kitchen in the game room. He described why the two sets of plans he submitted are not the same.

Protestants: None.

Comments:

This property is odd-shaped--that is the hardship.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Variance (Section 420.2 - Accessory Uses In Residential Districts - under the provisions of Use Unit 1206) to permit a detached accessory building in the side yard in an RS-2 District under the provisions of Section 1670, and a Variance (Section 240.2 - Permitted Yard Obstructions - under the provisions of Use Unit 1206) of the 750 sq. ft. maximum area for an accessory building to permit a 1,720 sq. ft. accessory building (2-story garage, walkway, porch) in an RS-2 District under the provisions of Section 1670, per site plan submitted, on the following described property:

Lot 14, Block 2, Denwood Estates, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13093

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1215 - Request for an exception to permit dry cleaning/laundry in a CS District under the provisions of Section 1680, located south of the SE corner of East 31st Street and 129th East Avenue.

Presentation:

Wendell W. Clark, 5416 South Yale, is the attorney representing the owner of the Briar Glen Square Shopping Center. This use was a use by right until December 1983. He presented a plan and described it and the surrounding area. His understanding is that the basic problem the Health Department had with usages of this type was with the fumes. This cleaners will be Globe Cleaners, and the equipment that is to be used in this location is what is known as a completely closed system. It

Case No. 13093 (continued)

uses the chemicals, but the system allows no escape of gases or fumes nor does it allow any exposure of the chemicals to the outside. The system is totally enclosed. The ventilation for the space is for heat and air purposes only. He submitted a handout on this cleaning system (Exhibit "U-1"). A similar exception has been granted by this Board to the Yale Cleaners at 101st Street and South Sheridan Road. Mr. Clark informed that the premises they would like this exception granted for is within the 1,500 sq. ft. limitation that the new Ordinance provides. He informed that the walls have been taken up past the drop ceiling to the roof line. This is one of the concerns of the Health Department.

Protestants: None.

Comments:

Mr. Gardner informed the review by this Board is so that the Health Department might check for the ventilation and the extension of the interior wall to the roof. If the Board approves this, they should approve it subject to the Health Department approval as to proper ventilation. If they need the wall extended, they will require that it be extended so that no fumes get into the other parts of the building.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1215) to permit dry cleaning/laundry in a CS District under the provisions of Section 1680, subject to Health Department approval, on the following described property:

A part of Lot 1, Block 1 and Lot 1, Block 2, Briar Glen Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, being more particularly described as follows:

Commencing at the Southwest corner of Lot 1, Block 1, Briar Glen Plaza; thence North 0°-10'-40" West along the West line of Said Briar Glen Plaza, a distance of 250' to the POINT OF BEGINNING; thence continuing North 0°-10'-40" West along Said West line a distance of 250' to a point; thence due East a distance of 525'; thence due South a distance of 30'; thence due West a distance of 60'; thence due South a distance of 110.78'; thence South 45° West a distance of 154.47'; thence due West a distance of 355' to the POINT OF BEGINNING, containing 2.57 acres, more or less.

Case No. 13094

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Use Units 1206/1215 - Request for an exception to permit a home occupation for a plumbing shop (no retail sales) and for a kennel (maximum of 5 dogs) in an RM-1 District under the provisions of Section 1680, located at the SE corner of North Darlington Avenue and Woodrow Street.

Presentation:

Gerald Mitchell, 2119 North Darlington Place, informed he is in the heating and air conditioning business and has been self-employed for about

12 years. His business includes new installation as well as service. He stocks very few parts and no units. Most of his stock is in his vehicle. He is the only employee with the exception of his wife. During the summertime, he does have part-time help. He wants to move his business from its present location to his residence. He parks his service vehicle, which is a van, in his yard at this time. Most service people in town do take their vehicles home at night. There will actually be no change in the residence other than what is already there. He does not store any parts outside of his garage. In the future he would like to build a larger building. He described the present buildings on the subject property and submitted a plan (Exhibit "V-1"). He informed that the previous owners of the subject tract had trash services there. He submitted 17 pictures of the neighborhood (Exhibit "V-2") and described it as not being a high-class neighborhood. Most of the houses in the area between \$8,000 and \$35,000. There is considerable business in the area inasmuch as a lot of people within a thousand feet of them are in the trash business or some type of large equipment business. To the west of them is an industrial zoned area of about 6 or 8 blocks that is salvage yards and things of that nature. He does not believe that the granting of this special exception would cause any hardship to their neighborhood. There would be no traffic or retail sales. No one comes to his office as it is now. Everything is handled over the telephone. The service truck is then dispatched to the area. As far as the kennel lodging is concerned, they started with three dogs and the number has multiplied. The dogs are large, and they are just trying to comply with the City Code. They do not plan on breeding the dogs--the female has been spayed. The yard is kept clean. He understands that with a kennel license, health inspections are routinely taken. They have no objections to that.

Protestants: None.

Comments and Questions:

Mr. Victor asked the applicant if the plumbing shop is basically an office, and Mr. Mitchell informed that it is. It is a service-oriented business. He does a lot of sub-contract work.

Mr. Jackere asked the applicant if deliveries of anything he needs are ever made to his house, and the applicant informed that there are not. The only thing he is really doing besides answering the phone is driving the truck. The truck does have his name on it by City Statutes. The garage is not large enough for him to park his vehicle in.

Mr. Victor asked the applicant if any of his clients come to his house, and Mr. Mitchell informed that they do not.

Mr. Victor asked the applicant if they sell any of the dogs. Mr. Mitchell informed they have sold some, but they are not trying to make a business out of this. They just have two left to get rid of. Right now they have seven dogs, but they want to keep only five of them.

Mr. Jackere asked if the summer employee comes to his house, and Mr. Mitchell informed there is no need for him to come to the house.

Mr. Victor asked if there was a complaint about this and why he happened to be here. The applicant informed there was no complaint.

Case No. 13094 (continued)

Mr. Wait asked the applicant if he plans to use the garage for a place to store inventory, and Mr. Mitchell informed that he keeps very little inventory with the exception of what is on his truck. He keeps some items in the garage.

Ms. Purser asked the applicant if he would be willing to live with just three dogs as the dogs start dying, and the applicant informed that he would.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Special Exception (Section 420 - Accessory Uses Permitted in Residential Districts - Under the provisions of Use Units 1206/1215) to permit a home occupation for a plumbing shop (no retail sales) and for a kennel (maximum of 5 dogs) in an RM-1 District under the provisions of Section 1680, provided the applicant can meet the home occupation guidelines, and that the kennel be granted as the applicant has represented and that as the dogs he now owns die, they will not be replaced--he would not exceed three dogs after these die, on the following described property:

Lots 5 & 6, Block 2, Dawson Industrial Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13095

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request for an exception to permit office use in an RM-2 District under the provisions of Section 1680.

Variance - Section 440 - Special Exception Uses In Residential Districts, Requirements - Use Unit 1211 - Request for a variance of the required 50' setback from the centerline of East 2nd Street to 25' and a variance of the setback from an "R" District from 10' to 4' and a variance to waive the 6' screening requirement in an RM-2 District under the provisions of Section 1670, located at the SW corner of East 2nd Street and Victor Ave.

Presentation:

Harold Jimison, 817 North Lewis Place, informed the office space will be in an existing building. The building was built in 1924. It burned and now he would like to repair it and at that time put office space in it. The existing structure does not comply with the required setbacks. They are not planning to increase the cubic content of the building. The office space will be leased out--they are not sure who will be using it. The building that burned was a warehouse, not a house. He submitted a plot plan (Exhibit "W-1"), a floor Plan (Exhibit "W-2"), and a map (Exhibit "W-3"). He informed there is adequate parking.

Protestants: None.

Comments and Questions:

Ms. Hubbard informed she sent a building inspector to the site, and he reported 60% damage on the building.

Case No. 13095 (continued)

Mr. Victor informed there is CS zoning on two sides of the subject property. Mr. Victor asked the applicant what is in the existing buildings to the south of the subject property. Mr. Jimison informed there are three existing single-family homes there. He further described the surrounding area.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1211) to permit office use in an RM-2 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 1211) of the required 50' setback from the center-line of East 2nd Street to 25' and a variance of the setback from an "R" District from 10' to 4' and a variance to waive the 6' screening requirement in an RM-2 District under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 8, Block 9, Gillette Hall ~~Second~~ Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13096

Action Requested:

Variance - Section 430.2 - Bulk and Area Requirements in the RMH District - Use Unit 1206 - Request for a variance to permit a 720 sq. ft. detached accessory building (garage) in the front yard in an RS-3 District under the provisions of Section 1670, located east of the SE corner of East 33rd Place and Riverside Drive.

Presentation:

Bradford Maxey, 120 East 33rd Place, informed that this is part of what used to be servant's quarters. The mansion has been torn down. The lot is 140' by 66'. The house is set just 6 feet from the back fence. This leaves about 100 feet from the front of the house to the street. The law says that a building of this type has to be 25 feet behind the house which is not possible in this case. There is no standing garage on the property now.

Comments and Questions:

Mr. Victor asked why he did not want to put the accessory building on the side of the house, and the applicant informed there is a big tree on the side that he would like to save.

Mr. Jackere asked if there are any other houses on the block that are set back this far. Mr. Maxey informed there is at least one other house on the street that is set back--this is two houses down. The other piece of property does not have a garage on it either. The other houses have garages that are behind the houses.

Ms. Purser asked if the other house that is set back this far from the street used to be servants quarters also. Mr. Maxey informed he is not sure.

Case No. 13096 (continued)

Mr. Maxey informed that according to the abstract, the house was built in the late 1800s. There is a privacy fence behind his house and on the west side of the lot.

Ms. Purser asked if this garage would be built to match his house, and Mr. Maxey informed it will be wood-framed with two 10-foot doors and one small walk-in door with composition shingles. It will be painted the same color as his house.

Protestants:

Leon Hardwick, 124 East 33rd Place, lives next door to the east of the subject property. Where the applicant wants to build his 30' x 24' garage will be facing his property. The driveway will come in by his back bedroom. He does not object to the applicant having a garage, but he wants it to be on the west side of the house where he will have plenty of room. He also feels that the building should not be as large as requested. He feels that this will devalue his property. He informed that his house sits back about 25 or 30 feet from the street--it is in line with most of the other houses on the street. Mr. Hardwick informed the applicant could bypass the tree on the side of his house if he wanted.

James Frost, 249 East 33rd Place, does not want a garage this size in the front yard of the subject property. It will be out of character with the rest of the houses in the area.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Victor, Wait, "aye"; no "nays"; no "abstentions"; Smith, "absent") to continue Case No. 13096 to the April 19, 1984, meeting, to allow the Board members time to view the site.

Case No. 13097

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request for a variance of the lot area from 6,900 sq. ft. to 6,250 sq. ft. and a variance of the land area from 8,400 sq. ft. to 7,812 sq. ft. all to permit a lot split in an RS-3 District under the provisions of Section 1670, located at the SE corner of West Easton Court and South 27th West Avenue.

Presentation:

Susanna Rongey, 2546 West Easton Court, requested that this item be continued.

Protestants:

There were protestants present.

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. 13097 to the April 19, 1984, meeting.



Action Requested:

Variance - Section 1221.3 (g) - General Use Conditions, Ground Signs - Use Unit 1221 - Request for a variance of the required setback from the centerline of Peoria from 50' to 35' to permit a sign in a CS District under the provisions of Section 1670, located north of the NE corner of East 62nd Street and Peoria Avenue.

Presentation:

Steven E. Smith, 1201 Fourth National Bank Building, informed he owns the Oakwood Apartments at 1313 East 62nd Street. He informed that the subject property is zoned CH. He submitted a folder of exhibits which included pictures, overlays, and maps (Exhibit "X-1"). He used the submitted exhibits to described the surrounding area. He informed that South Peoria is narrowing down at this location. If this is approved, he intends to go before the Board of City Commissioners and ask for the right to use the subject property under a contract that states that should they do the widening program, the sign will be removed. He informed that right now there are quite a few uses of the property which are actually on the City right-of-way for other signs, telephone poles, trees, shrubs, fences, etc. The design of the sign will be 8 feet wide and 5 feet high. The bottom of the sign will be placed 9 feet above the ground which would allow clearance for visibility and traffic. It would be above the U-Haul trucks which are parked close to this location. The sign will advertise the Oakwood Apartments.

Protestants: None.

Comments and Questions:

Mr. Chappelle asked the applicant how far the fence is from the centerline of Peoria in exhibit 3. Mr. Smith informed the iron fence is 49.5 feet from the centerline.

Mr. Wait asked if the applicant would be removing the trees around the site, and Mr. Smith informed him the trees are not on his property so he will not remove them.

Mr. Chappelle asked Mr. Smith if there are any other signs on Peoria that stick out that far, and Mr. Smith informed him apparently there are many signs which are in the City right-of-way.

Mr. Victor asked why the sign in the exhibits and the sign which was attached to the application are different and Mr. Smith informed the sign that was attached to the application was a preliminary sign. The sign will be 8 feet by 5 feet.

There was discussion about other signs in the area that do not meet the Code.

Mr. Gardner informed he thinks if the Board approves this, they should approve it subject to a removal contract. There will probably be some widening and some improvements along Peoria.

Mr. Jackere informed he would not need a removal contract. A person gets a removal contract because he is putting a sign on his own property on what is anticipated to be future right-of-way. This sign will be going on the City's property, and the City can tell them to move it off anytime it wants to.