

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 414
Thursday, May 31, 1984, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Clugston Purser Smith	Victor	Augustine Gardner Jones Wiles	Hubbard, Protective Inspections Pauling, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Wednesday, May 30, 1984, at 9:00 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Smith called the meeting to order at 1:19 p.m.

MINUTES:

There were no minutes ready for approval.

UNFINISHED BUSINESS:

Case No. 13121

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Request for an exception to permit Use Unit 19 in an IL District under the provisions of Section 1680, located at the NE corner of 51st Street and 103rd East Avenue.

Presentation:

The applicant, David Cannon, 5123 South Lakewood, informed he owns the subject tract which contains the first building west of the Mingo Valley Expressway. This was continued from the last meeting to allow for more Board members to be present to hear the case. They would like to install a Youth Activity Center in a 6,000 sq. ft. area of the 17,000 sq. ft. building. Mr. Cannon described the three other tenants of the building. He also described some of the agreements of the lease they have with the people who want to operate the Youth Activity Center. They will have two security guards inside and one security guard outside. They are hoping that the outside guard will be an off-duty Tulsa policeman. If children leave the facility and then want to come back in, they must pay an additional cover charge. There will be purse searches for alcohol and drugs when the children come to the facility. The lease calls for no alcoholic beverages to be served on the premises, including beer. The hours of operation will be from 6 p.m. until midnight on weeknights, and on weekends they will be from 6 p.m. until 1 a.m. There are two other similar operations in the Tulsa area. The people who want to run this operation have a similar operation in Saint Louis that is quite successful. Children from the ages of 16 to 20 will be allowed in the facility. They feel that they will be able to accommodate the parking for this facility as shown on the submitted plot plan (Exhibit "A-1"). He described the parking that they have on the lot. His computations include parking spaces in front of the businesses that are closed in the evening. There will not be any conflicts for evening parking.

Case No. 13121 (continued)

Protestants: None.

Comments and Questions:

Mr. Clugston asked the applicant how the parking has changed since the last presentation. Mr. Gardner informed the applicant is prepared to meet the Ordinance as far as parking is concerned.

Mr. Cannon described the parking on his plan. Mr. Clugston informed that any favorable action by this Board would be contingent upon the applicant meeting the Code as far as parking is concerned.

Mr. Cannon informed that at the last meeting one of the Board's concerns was whether the Police Department would be able to patrol this area sufficiently.

Interested Parties:

Kenny Johnson, 1307 South 220th West Avenue, Sand Springs, informed he contacted Major Cochran in the station on the east side. Major Cochran contacted the sergeant that patrols out by Ziggy's (a similar establishment to what is proposed). That officer said they really have not caused that much more problem that they cannot handle. Major Cochran told Mr. Johnson that this unit would not cause them any problem. They double their Police Department from 4 p.m. to 2 a.m. every day. They patrol that area very heavily at night.

Comments and Questions:

Ms. Purser pointed out that Ziggy's caters mostly to junior high students so there are not very many cars there. She pointed out that there will be a difference in the crowd because of this age difference. Mr. Johnson informed that Major Cochran told him that he would rather have a facility of this nature in this type of area than in a busy area where they will bother other people.

Mr. Johnson informed they have contacted Tulsa Speech and Hearing and they were told by them that they would like to occasionally use their facility.

Ms. Purser asked if there were protestants present at the previous presentations of this case. She was informed that there were no protestants present.

Mr. Cannon informed that the same corporation that is developing this recreation center is also developing the indoor soccer center on South Mingo Road.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 2-1-1 Clugston, Purser, "aye"; Chappelle, "nay"; Smith, "abstaining"; Victor, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts) to permit Use Unit 19 in an IL District under the provisions of Section 1680, subject to the condition that it be utilized strictly as a youth activity center with no alcoholic beverages or beer allowed or served on the premises, and subject to the operating conditions as submitted by the applicant being included in the record as part of the conditions of approval, on the following described property:

Case No. 13121(continued)

Lots 1 through 20, Block 54, Alsuma Addition to the City of Tulsa, Tulsa County, Oklahoma.

This item is not approved due to the lack of three affirmative votes which is necessary to approve an application.

Case No. 13126

Action Requested:

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record-Use Unit 1206 - Request for a variance of the required street frontage from 30' to 0' to permit a lot split in an RS-1 District under the provisions of Section 1670, located North of the NE corner of Birmingham Avenue and 69th Street.

Presentation:

The applicant, E. A. Schermerhorn, 2227 East Skelly Drive, was not present.

Protestants:

Dwight Kouri, 2200 Fourth National Bank Building, informed he is representing a group of interested persons. He was advised by Mr. Schermerhorn that it was his intent to withdraw this application.

Comments:

Mr. Clugston described what occurred at the previous meeting.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue Case No. 13126 to the June 14, 1984, meeting.

Case No. 13127

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request for a variance of the setback from the centerline of West 51st Street from 55' to 53' in an RS-3 District under the provisions of Section 1670, located at the NW corner of 27th West Avenue and West 51st Street.

Presentation:

The applicant, Jack Stacey, 9640 East 25th Street, was not present.

Protestants: None.

Comments:

Mr. Gardner informed this is just a 2-foot variance. The subject tract is a corner lot.

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - under the provisions of

Case No. 13127 (continued)

Use Unit 1206) of the setback from the centerline of West 51st Street from 55' to 53' in an RS-3 District under the provisions of Section 1670, per plot plan, on the following described property:

The South 68.7' of Lot 6, Block 4, Oak Grove Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13129

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request for a variance of the required 50' setback from the centerline of South Winston Avenue to 36' to permit an existing carport in an RS-3 District under the provisions of Section 1670, located south of the SE corner of 46th Street and South Winston Avenue.

Presentation:

Charles T. DeShong, 4617 South Winston Avenue, informed this was continued from the last meeting so the Board members could go out and view the site. There were protestants present at the previous meeting. He submitted a letter from the Gasperinos which indicates that they withdrew their objection to this (Exhibit "B-1"). He submitted a letter (Exhibit "B-2") and 7 photographs (Exhibit "B-3") which describe the application. The carport is an excellent piece of work and is well-back from the street. He does not feel that it is damaging to the neighborhood. He needs it because he has a converted garage and he needs the protection for his automobiles.

Comments and Questions:

Mr. Pauling described what it does in regards to the building setback line if the Board approves a carport. According to the Code, if there is an encroachment within the required setback area, property owners on the same side of the street within 200 feet are entitled as a matter of right to extend their front setbacks to a distance of an average.

Mr. Smith asked the applicant if he had a hardship. Mr. DeShong informed he has no other access to anywhere else in his yard. There is no place he can put a garage or add a carport to the back of his house. His house backs up to Yale. The garage that was on the house was converted prior to his purchase of this home. His hardship is that he needs protection for his automobiles. He installed the carport out of ignorance without checking into the need for a building permit. There was no construction, per se; it was an installation. This would be a significant hardship to him should the carport have to be removed.

Mr. Smith informed that the hardship that the applicant now has is self-imposed.

Mr. Clugston informed he is puzzled that a reputable builder would not know the requirements of obtaining a building permit. Mr. DeShong informed he would be willing to apply for and pay for a building permit. It did not occur to him that this would be a problem.

Mr. Pauling asked the applicant if he had a contract on the construction, and Mr. DeShong let him look at it. Mr. Pauling described what the contract contained. The contract was not a building contract in the

normal sense of the word.

Protestants:

Mrs. Summers, 4616 East 46th Street, informed she owns the property at 4607 South Winston Avenue. She is speaking for Mrs. Anderson and Eloise Sturgeos who could not be present. Their protest is not against the quality of the carport that was installed but against the violation of the Covenants set forth when the homes were constructed. They feel that the applicant could do without a carport and return the garage to its original function for the protection of his automobiles. They have no objection to the construction of a utility shed in the back yard for the storage of lawn equipment and supplies, but they feel that if the carport is allowed to remain it will set a precedent for other alterations of the zoning laws. They ask that the carport not be allowed to remain so they can protect their investments.

M. Forest Towrey, 4723 East 46th Street, informed he is concerned about the carport because it comes out a little farther than necessary according to the restrictions on that street. He does not want to see any changes made in the area.

Applicant's Rebuttal:

Mr. DeShong informed he does not feel that the carport is in any way a hazard to anything in the area. It blends well in terms of its color. It is almost invisible from the south because of trees which are much nearer the street than the carport. He thinks this is a very reasonable, rational, and appropriate use of the property. It does not diminish the character of the neighborhood.

Comments:

Ms. Purser informed that this Board, under the terms of a variance, must find that there is a hardship that makes this lot different from other lots in the area. She described the difference between a variance and a special exception.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to DENY a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - under the provisions of Use Unit 1206) of the required 50' setback from the centerline of South Winston Avenue to 36' to permit an existing carport in an RS-3 District under the provisions of Section 1670, on the following described property:

Lot 4, Block 6, Greenhills Addition of the City of Tulsa,
Tulsa County, Oklahoma.

Action Requested:

Variance - Section 207 - Street Frontage Required - Request for a variance of the required 30' of frontage to 0' in an AG District under the provisions of Section 1670, located south and west of the SW corner of Elwood Avenue and 81st Street.

Case No. 13131 (continued)

Presentation:

The applicant, Dennis Vanscoy, 8164 South Elwood Avenue, requested by letter (Exhibit "C-1") that this item be withdrawn.

Protestants: None.

Comments:

Mr. Gardner informed the letter that Mr. Vanscoy sent states that he does not need a lot split. He still has an item before this Board because the Building Inspector will not issue a building permit unless the lot has frontage on a dedicated street. He suggested that this item be continued for two weeks so the Staff can notify him that he needs relief from this Board even though he does not need a lot split.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue Case No. 13131 to the June 14, 1984, meeting.

The West 590 feet of the East 1,650 feet of the South 442.33 feet of the N/2 of the NE/4 of Section 14, Township 18 North, Range 12 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13135

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request for a variance of the setback from the centerline of 14th Street from 50' to 36' to permit a carport in an RS-3 District under the provisions of Section 1670, located at the SW corner of 14th Street and Delaware Avenue.

Presentation:

The applicant, Cal Johnson, 2151 East 29th Street North, described the lot and informed it would be impossible to put a carport on the rear of the lot. They would like to put a carport on the north side of the house, which is located on the southwest corner of the lot. A carport on the north side would be in line with all the houses on the south side of Delaware Avenue going to the east. Mr. Johnson informed that the front door of his house faces east. He informed this lot was split and there is just one residence on the lot. He informed that the houses on the south side of 14th Street are facing north.

Protestants: None.

Comments and Questions:

Mr. Smith asked the applicant if he has talked to the neighbor just to the west of the subject tract. Mr. Johnson informed the carport will be open--it will just have a roof over it.

Mr. Smith asked the applicant if the house has a driveway or a garage at all. Mr. Johnson informed it had a drive running in the back.

Ms. Hubbard asked the applicant if the carport is existing, and Mr. Johnson informed they are in the process of constructing it.

Case No. 13135 (continued)

Mr. Gardner informed the carport is on the north side of the lot. The applicant's property faces east on Delaware as do several other properties. Those properties are fairly close to Delaware because Delaware was widened. They do not have the typical setback. Mr. Gardner is not sure that the existing house's north boundary exactly lines up with the houses to the west along 14th Street, but the existing house comes closer to lining up than the proposed carport, which is approximately 2/3rds finished, does. The carport sticks out considerably farther than the houses to the west on 14th Street.

Ms. Purser asked Mr. Gardner what the carport lines up with. Mr. Gardner informed he does not think it lines up with anything in the neighborhood. The north side is a side yard to the applicant, and if you look at the other side yards along Delaware, they would be that close to Delaware. The applicant's house faces a different direction and may have never lined up. The carport will encroach further north than the houses to the west.

Mr. Johnson informed that the houses at the rear of the subject property will not have their view obstructed by the carport.

Mr. Gardner informed this is a corner lot and half of it has been split off. The property is considerably smaller than the properties going to the west. The property has probably been split for a long time. The carport has a gable roof and has rock masonry columns that go up about four or five feet off the ground. The rest of it is open. The garage portion opens to the west.

Ms. Hubbard informed the applicant has applied for a building permit and she does have a set of plans.

Ms. Purser feels there might be a hardship in this case since this is a corner lot.

There was discussion about other possible locations on the lot to build the carport.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 3-0-1 (Clugston, Purser, Smith, "aye"; no "nays"; Chappelle, "abstaining"; Victor, "absent") to continue Case No. 13135 to the June 14, 1984, meeting to allow the applicant to bring back building plans and pictures of the lot, house, and existing structure.

Lot 1 and the E/2 of Lot 2, Block 1, City View Hill Addition to the City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13154

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1205 - Request for a variance of the structure height from 35' to 39' to allow construction of a church addition in an RS-2 District under the provisions of Section 1670, located at the SE corner of 55th Street and Harvard Avenue.

Presentation:

The applicant, D. Leon Ragsdale, 1615 North 24th West Avenue, informed that about a year ago the Board gave them Master Plan approval for the construction of a parking lot and structures on the lot. He informed that the existing building is 39 feet & 8 inches to the peak. He described the existing building and the proposed building. The peak of the proposed building will be about the same as the existing building. He presented a drawing of the existing building and the proposed building. He told where the buildings sit on the property and described the surrounding area. He submitted an architectural rendering of how the buildings will be set up and how they will look.

Protestants: None.

Comments and Questions:

Mr. Clugston asked the applicant what the considerations were in having the proposed building match the existing building. Mr. Ragsdale informed the height of the proposed building was a function of the width in order to have a regulation-type gymnasium. The roof is the same pitch as the existing building, but the proposed building has a different height of a side wall.

Mr. Clugston asked if it could be lowered to 35 feet, and Mr. Ragsdale informed it could be lower, but it would appear different than the other buildings.

Mr. Ragsdale informed that the Hydrology Department has reviewed the plans.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - under the provisions of Use Unit 1205) of the structure height from 35' to 39' to allow construction of a church addition in an RS-2 District under the provisions of Section 1670, per plot plan, on the following described property:

A tract of land located in the SW/4 of the NW/4 of Section 33, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows: Beginning at the SW corner of the SW/4 of the NW/4 thereof: Thence North 0°-02'-00" East a distance of 736.0 feet; thence South 89°-58'-00" East a distance of 50.0 feet to the point of beginning; thence South 89°-58'-00" East a distance of 30.0 feet; thence to the left on a curve of arc radius of 1,697.39 feet and arc angle of 8°-30'-26" an arc distance of 252.03 feet; thence South 11°-

Case No. 13154 (continued)

30'-03" East a distance of 504.36 feet; thence South 64°-54'-53" West a distance of 71.74 feet; thence North 89°-58'-25" West a distance 317.0 feet' thence North 0°-02'-00" East a distance of 505.98 feet to the point of beginning; containing 3.92 acres, more or less.

Case No. 13167

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214 - Request for a variance of the 50' setback from the centerline of 11th Street to 47' to permit an addition to an existing building in a CH District under the provisions of Section 1670, located at the SW corner of 11th Street and Florence Avenue.

Presentation:

Ken's Restaurant Systems, Inc., 4441 South 72nd East Avenue, was represented by Rex Hall, 4441 South 72nd East Avenue. They would like to build a glass block wall underneath an existing canopy on the front of the business at the subject tract. There will be neon lights behind the wall to illuminate it from the front. This will be to help accentuate the front door. This will be a non-occupied space.

Protestants: None.

Comments and Questions:

Mr. Smith informed this would be subject to a removal contract with the City of Tulsa.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Purser, Smith, "aye"; no "nays"; Clugston, "abstaining"; Victor, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - under the provisions of Use Unit 1214) of the 50' setback from the centerline of 11th Street to 47' to permit an addition to an existing building in a CH District under the provisions of Section 1670, subject to a removal contract, on the following described property:

Lot 1, E. N. Adams Addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 13142

Action Requested:

Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1213 - Request for a variance to permit a beauty shop in an RS-3 District under the provisions of Section 1670, located north of the NE corner of 61st Street and Mingo Road.

Presentation:

Billie Dean Riley, 6903 East 71st Place, was represented by Richard Gable, 2000 Fourth National Bank Building. Mr. Gable informed this property is in a transition area. He described the surrounding properties. The property in this area will ultimately be some sort of

Case No. 13142 (continued)

industrial. The property cannot realistically be sold for residential use at this time because of what is going on in the area. The purchaser would like to operate a beauty shop on the property. She does plan to hard-surface the back yard area for adequate parking. They believe there will be plenty of parking for the number of operators which will be located on the property. It is his understanding that the property on the west side of Mingo from 61st to 56th Streets has been recently rezoned to IL, subject to some conditions which must be complied with before the zoning is effective. They would like to have permission to put a sign on the house to identify it as a beauty shop.

Protestants: None.

Comments and Questions:

Mr. Gardner informed that this property is in an area of transition and it could be zoned. If they went through the zoning process, there would be several other things involved. The Staff would be concerned with two things: (1) That a condition of approval would be that the right-of-way would be dedicated, and (2) that it apply only to the existing structure. The Staff has no problem with the use or the sign because the area could be zoned to accommodate both. The next step for the applicant to take is to zone the property.

Mr. Gable informed that they had planned on having the property rezoned as their next step. There is no objection to limiting this action to the existing structure. He would resist the dedication at this time since he has not talked to his client about this and does not know if it will be a problem or not. He does not think that would be critical at this time since they will be limited to the existing structure.

Mr. Smith asked how far the structure is set back off of the street and Mr. Gable guessed that the existing structure is about 75 feet from the centerline of Mingo Road.

Mr. Chappelle asked what the days and hours of operation would be for the business, and he was informed the applicant would probably be operating from about 8:30 or 9:00 a.m. until about 7:30 or 8:00 p.m.

There was discussion about why the right-of-way should be dedicated if approval of this is granted.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1213) to permit a beauty shop in an RS-3 District under the provisions of Section 1670, subject to the right-of-way being dedicated to the City per the Major Street Plan, that the permission be only for the existing structure, and subject to the signage being limited to 32 sq. ft., on the following described property:

The North 72' of the North 151' of the South 431' of the West 202' of Lot 4 of Section 31, Township 19 North, Range 14 East of the I.B.M. of the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13143

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:

The applicant, Sharilee E. Welch, 1347 East 49th Place, was not present.

Protestants:

George Diverges, 4111 South Darlington, Suite 600, represented two protestants. He talked to Joe McCormick who is representing Saint Mary's Catholic Church, and Mr. McCormick indicated to him that this item would be withdrawn.

Comments and Questions:

Ms. Purser informed she had unofficial communication that this was going to be withdrawn, as well.

Mr. Gardner informed the Board denied a similar request on the subject tract previously. He feels the Board can take some action on this today.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "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, without prejudice for lack of presentation, 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. 13144

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1227 - Request for an exception to allow an auto salvage (expansion of existing yard) in an IM District under the provisions of Section 1680, located 1/2 mile east of the SE corner of 129th East Avenue and Apache Street.

Presentation:

The applicant, Paul B. Mauldin, 13804 East Apache Street, informed he is part owner of Bud's Auto Salvage and Recycling. He is also the owner of the subject tract--four acres adjacent to the auto salvage. He would like to use this additional four acres for auto salvage and recycling as well. He came before the Board about 4 1/2 years ago and at that time he submitted 3 pictures of a piece of property that he wanted Bud's Auto Salvage to look like (Exhibit "E-1"). He also submitted pictures of the existing auto salvage. They have tried to keep this operation as clean and neat as possible. He submitted an aerial photograph of the existing salvage yard and the surrounding area (Exhibit "E-2"). Mr. Mauldin informed he lives in the house on the property. In addition to selling automobile parts, they are also very interested in

recycling the scrap metal that is left over from the cars after the parts are removed from the. He does plan to surround the subject property with a fence similar to the one on the property where the auto salvage is now located.

Protestants: None.

Comments and Questions:

Mr. Gardner informed that the Board did approve the existing salvage yard but denied one across the street which is on appeal in District Court.

Mr. Mauldin informed he is in no way connected with the salvage yard across the street from the subject tract and they do things quite differently. They work every weekend and evenings to keep the yard straightened up. They keep the cars off the ground on stands and they have containers that junk scrap metal is put into and disposed of.

Mr. Clugston asked why the application on the lot across the street was denied. Mr. Gardner informed he feels it was denied because of the type of use they were asking for. He described the salvage yards in the area.

Mr. Mauldin informed that the owner of the salvage yard across the street and to the west of the subject tract opened up the yard without any screening fence. The neighbor to the west came to the meeting in protest of that.

Ms. Purser asked the applicant why they need to expand this operation, and Mr. Mauldin described the operation as it is now and how they would like it to be in the future. They would like to build a larger building on the subject tract so they will be able to store more car parts inside. They also need additional storage space for the cars. The existing operation next to the subject tract consists of 3.63 acres.

Mr. Gardner informed that all of the IH zoning on the east side of 141st East Avenue could be filled up with auto salvages. He described what is occurring in the area surrounding the subject tract. He is not sure that there would be a better location for the auto salvage from a planning standpoint.

There was discussion about how the Courts look at a land use that is good for one and not for another because of the way the property is kept.

Mr. Pauling informed that by this action, the Board can demonstrate to the Courts that they are not against salvage yards, per se, but they are against salvage yards that do not have responsible operation and responsible consideration for surrounding areas and uses. There is a fundamental difference between the way this salvage yard is being operated and how the one across the street is operated. The Zoning Law requires the consideration of the physical facts--compatibility, harmony with the spirit and intent of the Code, etc. The use, per se, is not bad and may be appropriate.

Mr. Smith informed there were protestants present at the meeting for the property across the street and to the west. There are no protestants present here today.

Case No. 13144 (continued)

Mr. Mauldin informed that when the property next to the subject property was approved for salvage use, the Board required a 6-foot screening fence. He informed he would like to have a 7-foot steel fence and he would like to enclose the front of the property.

Mr. Clugston asked the applicant what his plans are in terms of stacking the autos. Mr. Mauldin informed he does not want to keep the autos--they are crushed and taken off.

Ms. Purser asked the applicant if all the auto parts are kept in containers, and Mr. Mauldin informed that a lot of the parts are left on the cars.

There was discussion about conditions that the Board could place on this.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - under the provisions of Use Unit 1227) to allow an auto salvage (expansion of existing yard) in an IM District under the provisions of Section 1680, subject to the following conditions: (1) That a 7-foot screening fence be erected; (2) that all inoperable vehicles be placed on blocks; (3) that all parts that have been removed from automobiles either be in racks or on shelves; and (4) that stacking of cars not exceed 7 feet or not be higher than the fence, on the following described property:

The East 264.10' of the following descriptions:

The West 440 feet of the N/2 of the NW/4 of the NE/4 of Section 28, Township 20 North, Range 14 East of the Indian Base and Meridian, according to the U. S. Survey thereof, LESS the following described tract, to wit: Beginning at the NE corner of said above described tract; thence West 105 feet; thence South 210 feet; thence East 105 feet; thence North 210 feet to the point of beginning, AND the East 105 feet of the North 210 feet of the West 440 feet of the N/2 of the NW/4 of the NE/4 of Section 28, Township 20 North, Range 14 East of the Indian Base and Meridian, according to the U. S. Government Survey thereof, Tulsa County, State of Oklahoma.

Action Requested:

Special Exception - Section 410 - Use Unit 1217 - Request for an exception for a home occupation to allow working on automobiles in an RS-3 District under the provisions of Section 1680.

Variance - Section 240.2 - Use Unit 1217 - Request for a variance of the 750 square-foot accessory building to 780 square feet for an existing accessory building, located south of the SE corner of 15th Street and Gary Place.

Discussion:

The applicant, Joe Raniewicz, 1511 South Gary Place, submitted a letter requesting that this item be continued (Exhibit "F-1"). Mr. Raniewicz was not present. There were several protestants in attendance. The letter from Mr. Raniewicz did not state why he would not be able to attend this meeting. Ms. Purser informed she would like to go ahead and hear from the protestants. One of the protestants informed that this business is operating on the property now. The Staff informed they have had no communication with the applicant. Ms. Purser suggested that a Staff member call the applicant and ask them to come to the meeting today. This item was passed to be taken in its regular place on the agenda.

Presentation:

The applicant, Joe Raniewicz, 1511 South Gary Place, informed he has been working on his cars on the subject tract for about a year and a half and he would like to continue to do so. He works on the cars in the garage behind the house, which he rents. They do not have a bunch of junk laying around. They have a facility on 15th Street that they sell cars from. He works on the cars that are sold from that facility at his home. He does not have a sign and he does not do work for other people. Right now he has about five cars that he will eventually have for sale. He does have a used car dealers license. He does not sell cars from the subject tract. The used car commission has told him it is alright for him to show a car at his house as long as the actual sale does not take place there. He does mainly detail work at the subject tract, not much mechanical work. He sells no more than five cars a month. Mr. Raniewicz informed the accessory building was on the property when he moved in the house--it has been there since about 1969. He uses the accessory building to work on the cars. The building will hold two cars. It was built as a shop, not a garage. Mr. Raniewicz informed there is only one residence next to him--everything else is businesses. The accessory building is behind the house and there is a privacy fence. The only thing he does outside the building on cars is wash them. He tries to keep the cars away from the house as much as possible.

Protestants:

Billie Stafford, 1515 South Gary Place, informed that about 10 years ago there was a business that tried to move in the same residence and was denied by the Board. She described the troubles they have had because of the operation on the subject tract. She informed the applicant has one employee and he does work on other people's cars. She submitted a petition (Exhibit "F-2") and 7 pictures (Exhibit "F-3") showing what has been happening on the subject tract. The business is a traffic hazard and it clutters the neighborhood. Mrs. Stafford

Case No. 13146 (continued)

does object to the business being on the subject tract. She submitted 3 copies of the Bargain Post which advertises Mr. Raniewicz's cars (Exhibit "F-4").

Leslie McGuire, 1527 South Gary Place, informed she has had people park as far down as her house to go to the subject tract to look at cars. There are several people that go to the property to test drive cars. All the cars that come to the subject tract cause a traffic hazard. This is a narrow street. The applicant always has four or five cars either in the driveway or on the street.

Lola Weir, 1536 South Gary Place, informed this is a beautiful old residential neighborhood and they do not want businesses to be allowed.

Helen Cunningham, 1439 South Gary Place, informed she thinks the cars are a hazard to traffic in the area. This street is narrow and if cars are parked on both sides, emergency vehicles cannot get through.

Denise Bergschneider, 1519 South Gary Place, lives two doors down from the subject tract. This is a beautiful neighborhood and the subject property creates an eyesore for the entire neighborhood as it is now.

Applicant's Rebuttal:

Mr. Raniewicz explained some of the things that have gone on at the property. He informed he does not park cars on both sides of the street. Most of the traffic that comes to the house is unrelated to the work he does on the property. He does not have an employee, but he does have a friend that comes to help him out occassionally. He is not trying to run a business, per se. He does not want to put a sign up. They have a sign in the front door that says to come back to the garage. They put that sign in the window when his wife is not there. The sign has nothing to do with business. He has had to have his car towed to his house twice when it broke down. He has occasionally cleaned other people's cars, but he does not do it all the time and he does not solicit business.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to DENY a Special Exception (Section 410 - under the provisions of Use Unit 1217) for a home occupation to allow working on automobiles in an RS-3 District under the provisions of Section 1680, and to approve a Variance (Section 240.2 - under the provisions of Use Unit 1217) of the 750 square-foot accessory building to 780 square feet for an existing accessory building, subject to no business of any kind being conducted out of the building, on the following described property:

Lot 22, Block 1, Exposition Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an Exception to allow a Headstart Center in an RS-3 District under the provisions of Section 1680, located at Latimer Street and 91st East Avenue.

Presentation:

The applicant, Carrie C. Barnes, 764 East Virgin Street, is with the Tulsa County Headstart Program. They would like to put a headstart program in the Ross Elementary School. This school will be closed after this year. They do not know how many children they would have in this program. They would like to have whatever the Department of Human Services would license them for. It is an expansion of their program. They will operate Monday through Friday from 8 a.m. to 4 p.m. They will have a small sign.

Protestants:

Dale Irwin, 9133 East Latimer Street, lives across the street from the subject tract. This location is ideal for an elementary school. He described the surrounding area. His understanding is that the request before this Board is to rezone the property for business. They are opposed to a business zoning at the school. Programs like this rise and fall, and he is concerned that if the center should close the school property would be zoned for business.

Comments and Questions:

Mr. Smith informed Mr. Irwin that this Board cannot and does not change zoning. The zoning would remain RS-3.

Ms. Purser informed that if the Board allows the Headstart Program, that is the only use that could be made of the building, otherwise there would be another hearing process required.

Mr. Irwin was concerned about who would maintain the 15 acres of lawn at the facility. They are not against the Headstart Program, but they are concerned about what will happen on the property. They do not want this to become a detriment to the neighborhood.

Applicant's Rebuttal:

Ms. Barnes informed Tulsa County Headstart Program has negotiated with Tulsa Public Schools, and the Tulsa Public Schools will maintain the grounds as they are now. This is a non-profit organization for low to moderate income families. It is a federally funded program which has been in existence since 1966. The Headstart Program is just leasing the property, and they do not have the responsibility of keeping the grounds neat. They will be leasing only a portion of the building.

Comments and Questions:

Mr. Gardner informed that approval of this could be tied to their lease and their operation as opposed to any daycare or preschool.

Ms. Purser asked if a condition could be made to tie this to the fact that Tulsa Public Schools will be maintaining the property. Mr. Pauling informed the Board could require that the applicant furnish a copy of the lease to the Board for the records and that the lease contain the clause that the grounds are going to be maintained by the Tulsa Public Schools.

Case No. 13148 (continued)

Mr. Clugston informed that he does not think the Board needs to be concerned about the maintenance of the property. All property owners have that right against any other property in the City.

There was discussion about the maintenance of the property.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1205) to allow a Headstart Center in an RS-3 District under the provisions of Section 1680, on the following described property:

Blocks 1 and 2, a Resubdivision of Lots 5, 6, 7 & 8, Block 1, Mingo Valley Subdivision #1, Tulsa County, Oklahoma, and the NE/4 of the NW/4 of the SE/4 of Section 36, Township 20 North, Range 13 East, Tulsa County, Oklahoma, containing 15 acres, more or less.

Case No. 13149

Action Requested:

Variance - Section 420.2 - Accessory Use Conditions - Use Unit 1206 - Request for a variance of the required 3' setback to 2' to allow a detached accessory building in an RS-3 District under the provisions of Section 1670, located north of the NE corner of Easton Street and North 42nd West Avenue.

Presentation:

The applicant, Wayne D. Mullin, 521 North 42nd West Avenue, informed he built a garage one foot too close to the property line. He did not know he was too close until he applied for a building permit. He submitted a drawing (Exhibit "G-1").

Protestants: None.

Comments and Questions:

Mr. Clugston asked the applicant why he applied for a building permit after the building was built, and Mr. Mullin described how this got reported to the City.

Mr. Smith asked the applicant if there is a utility easement along his north property line, and Mr. Mullin informed there is not one on the north.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 420.2 - Accessory Use Conditions - under the provisions of Use Unit 1206) of the required 3' setback to 2' to allow a detached accessory building in an RS-3 District under the provisions of Section 1670, per plot plan, on the following described property:

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

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 RS-3 District under the provisions of Section 1680.

Variance - Section 440 (6a) - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for a variance of the one year time limitation to permanently for a mobile home.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request for a variance to permit two dwellings (1 existing house and 1 mobile home) per lot of record, located south of the SW corner of Pine and Allegheny Avenue.

Presentation:

The applicant, Sherrie Sowell, 1426 North Allegheny, informed she would like to put a mobile home on the back of her property for her mother-in-law to live in. The mobile home will not be seen from the front of the property at all. She has talked to the neighbors and has heard no objections from them. The mobile home is 35' by 8' and is about 8 or 10 years old. It is in good repair. Ms. Sowell informed her mother-in-law is 65 years old. She submitted 14 photographs (Exhibit "H-1").

Protestants: None.

Comments and Questions:

Ms. Purser asked Mr. Gardner if the second variance is needed if the Board just approves the Special Exception. Mr. Gardner informed they need the variance because there will be two dwellings on the same lot of record.

Mr. Gardner informed the Board could grant this for any period of time that they felt the need would still be there.

There was discussion about whether or not a removal bond would be required.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "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 RS-3 District under the provisions of Section 1680, for a period of one year with removal bond required, to DENY a Variance (Section 440 (6a) - Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1209) to allow the mobile home permanently, and to APPROVE a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1209) to permit two dwellings (1 existing house and one mobile home) per lot of record, with the second variance being tied to this specific Special Exception, on the following described property:

Lot 6, Block 3, Homestead Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13151

Action Requested:

Special Exception - Section 640 - Special Exception Uses in Office Districts, Requirements - Use Unit 1213 - Request for an exception to permit a barber shop in an OL District under the provisions of Section 1680, located north of the NE corner of 15th Street and Yale Avenue.

Presentation:

The applicant, Wesley Malone, Route 8, Box 649, Claremore, described the surrounding area and the uses in the area. The building that he would like to use is a house but it will just contain a barber shop--he will not live there. He does have off-street parking in two back yards. The two houses to the north of the subject tract are used as residences.

Protestants: None.

Comments and Questions:

There was discussion about a balloon business that used to be in the area. Mr. Gardner informed the subject request is for a Special Exception, whereas the balloon business was a variance.

Mr. Gardner informed the subject tract is adjacent to commercial property on two sides.

Mr. Malone informed he will have either three or four chairs in the barber shop.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 640 - Special Exception Uses in Office Districts, Requirements - under the provisions of Use Unit 1213) to permit a barber shop in an OL District under the provisions of Section 1680, on the following described property:

Lots 6 & 7, Block 6, Crowell Heights Second Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13153

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request to permit a mobile home in an RM-1 District.

Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request to permit a mobile home permanently in an RM-1 District, located at 417 South 60th West Ave.

Presentation:

The applicant, Ronnie Carnett, 417 South 60th West Avenue, informed that last year they got a permit to move this mobile home in for one year. They would now like to get a permanent use because they would like to put it on a foundation and rock it for security reasons. There are

Case No. 13153 (continued)

other mobile homes in this area within three blocks. He submitted 3 photographs of his mobile home and his neighbors house (Exhibit "I-1"). Mr. Carnett informed this mobile home is a double-wide. The house that was previously on the property burned about a year ago. The garage that was on the property survived the fire. He described his mobile home.

Protestants: None.

Comments and Questions:

Mr. Gardner informed the Board has approved double-wide mobile homes for permanent use if they are required to put it on a permanent foundation, pitched roof, etc.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the provisions of Use Unit 1209) to permit a mobile home in an RM-1 District, and a Variance (Section 440 - Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1209) to permit a mobile home permanently in an RM-1 District, with the provision that the double-wide prefabricated house be put on permanent foundation, on the following described property:

Lot 13, Block 3, Lawn Ridge Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13155

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request for a variance of the required setback from the centerline of Quebec from 30' to 21' to allow construction of a dwelling in an RS-2 District under the provisions of Section 1670, located at the SW corner of 87th Street and Quebec Ave.

Presentation:

The applicant, Don Eng, 8707 South Richmond, informed he owns the subject tract. They need this relief because this lot is on a cul-de-sac. If they tried to conform they would have to cut down a large tree that is on the back of the lot. Mr. Eng informed if they tried to move the house back, they would also encounter a grade problem. He submitted a plot plan (Exhibit "J-1").

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - under the provisions of Use Unit 1206) of the required setback from the centerline of Quebec from 30' to 21' to allow construction of a dwelling in an RS-2 District under the provisions of Section 1670, per plot plan submitted, on the following described property:

5.31.84:414(20)

Case No. 13155 (continued)

Lot 4, Block 9, Thousand Oaks Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 13156

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Units 1206/1207 - Request for a variance of the lot area from 6,900 sq. ft. to 1,965 sq. ft.; of the land area from 4,200 sq. ft. to 1,473 sq. ft.; of the Lot width from 60' to 39.3'; of the side yard setback from 10' to 2.9'; of the rear yard setback from 10' to 8.6'; all to permit lot splits in RM-2 Districts under the provisions of Section 1670, located on the east side of Trenton Avenue, between 8th and 10th Streets.

Presentation:

South Trenton Partnership, 4520 South Harvard, was represented by Casper Jones, 1302 South Fulton Avenue. Mr. Jones informed this is referred to the Board because of a lot split. The Planning Commission approved the lot split subject to the approval of this Board. The amended plat was filed in January 1911. He described the zoning that has been on this property. He submitted a map that was prepared by the Planning Commission for the lot split (Exhibit "K-1") which shows all the other lots in this addition that have been approved. These were originally platted as 40' by 125' lots. Mr. Jones informed he did file a plot plan showing the houses on these lots. The houses are already there and this is just a lot split to get financing on the individual units. Nothing will change in appearance. Most of the lots in the area already have two houses on them. The only reason for this lot split is so the lots can be sold separately. He submitted a plat (Exhibit "K-2").

Protestants: None.

Comments and Questions:

Mr. Pauling informed if these are nonconforming, they do not need approval.

Mr. Gardner informed the lot split is to make separate deeds on each piece of property.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Units 1206/1207) of the lot area from 6,900 sq. ft. to 1,965 sq. ft., of the land area from 4,200 sq. ft. to 1,473 sq. ft., of the lot width from 60' to 39.3', of the side yard setback from 10' to 2.9', and of the rear yard setback from 10' to 8.6', all to permit lot splits (L-16160, L-16176) in an RM-2 District under the provisions of Section 1670, per plot plan, on the following described property:

Lots 17, 18, 31 and 32, Block 7, Amended Plat of Park Dale
Addition to the City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1224 - Request for an exception to permit an oil well in an AG District under the provisions of Section 1680, located south of the SE corner of 71st Street and South Elwood Ave.

Presentation:

The applicant, Charles M. Sublett, Suite 1776, Williams Center, represented the America Energy Resources Company, which is a small new oil company. Mr. Sublett informed that several neighbors are present at this meeting to speak in behalf of this application. The owner of the surface of the subject property was present to speak on behalf of this application as well. Mr. Sublett informed the subject tract is 15 acres in size and is unplatted. The terrain in the area is rugged and is heavily treed. The area is sparsely populated and most of the residences are on large tracts of land. Most of the property in the area is used for light agricultural purposes. The land is mainly unimproved. He submitted an aerial photograph to show the area (Exhibit "L-1"). The well is located in an isolated part of this area. This general area has had extensive oil production for many years. There is currently production on the properties adjoining this property within a quarter of a mile to the north, west, and to the south. On the east is the Arkansas River. He submitted a copy of a Mid Continent Map which shows the extensive drilling activity that has occurred in this area over the years (Exhibit "L-2"). He also submitted a copy of a current crude oil production report which shows the currently producing leases in the area (Exhibit "L-3"). He feels that the operation of an oil well on this tract of land will not significantly affect the general character of this neighborhood; in fact, it will be compatible with the present uses in the area. The well in question has already been drilled and pipe has been set on it. It was drilled in good faith as an honest mistake. It was Mr. Sublett's clients understanding that if the property was a producing property at the time it was incorporated in the City, then it was alright to go ahead and drill. This was a producing property at the time it was zoned. This well would be accommodated by a small pump jack and an electric motor. It would not produce any amount of noise. The well cannot be seen from the road or by the neighbors. The only person that would be affected by it at all would be the surface owner. Mr. Sublett pointed out that his client is in compliance with all the Corporation Commission rules and regulations as far as permits and bonding. They have a current bond on file with the County to secure any surface damages. Mr. Sublett submitted a petition signed by 33 of the immediate area residents stating their support of this application (Exhibit "L-4").

Protestants: None.

Comments and Questions:

Mr. Clugston asked the applicant if this is an old existing well. Mr. Sublett informed this lease had produced for an extended period of time over the years. There was a well on it that was abandoned, but this is a new well.

Mr. Clugston asked if there is a limitation on how many wells can be located on a piece of property, and Mr. Sublett informed this well is all that can be drilled under this permit.

Case No. 13157 (continued)

Mr. Smith asked if the applicant would have to go to the City Commission since drilling wells inside the City Limits is against the law. Mr. Pauling questioned whether this Board has the authority under the Zoning Code to grant an oil well.

There was discussion about other oil wells that this Board has approved.

There was discussion about whether or not this Board has the authority to grant this and about whether it would be a special exception or a variance.

Mr. Gardner described why the ordinance was amended to not include oil wells. If the Board is inclined to favor the application, they must find something unique about the situation since the City is not in favor of oil wells. The applicant would still have a problem with the City that he would have to resolve. The Board does not want to set a precedent with this case.

Mr. Clugston informed he would like to grant this exception pending compatibility with other existing codes. He asked Mr. Pauling if he would like to research this to see if this is the proper format. Mr. Pauling told of his doubts of this falling under the advertised section and whether or not this Board has any authority to act on it.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue Case No. 13157 to the June 14, 1984, meeting pending a recommendation by the Staff and Legal Counsel as to the exact authority of this Board to act on this matter.

Comments:

Mr. Gardner suggested that the applicant apply for a variance.

Case No. 13158

Action Requested:

Variance - Section 240.2 (c) - Permitted Yard Obstructions - Use Unit 1206 - Request for a variance to allow a 6' solid fence in the front yard in an RS-1 District under the provisions of Section 1670, located west of the NW corner of Harvard Avenue and 65th Street.

Presentation:

The applicant, Roxane Martin, 7318 South Yale Avenue, was represented by Alan Madewell, architect, 7318 South Yale Avenue. Mr. Madewell represented the owners of the subject property and the builder who is remodeling the residence. The 6-foot fence that will be in the front yard will not be solid--it will be wrought iron with brick columns. He submitted a plat (Exhibit "M-1") and described it. He submitted 12 photographs of the existing fence on the property, a fence that is similar to what they are requesting, and other fences in the area (Exhibit "M-2"). There will be a wood fence around the back side of the property. They want this fence for security reasons. He informed the existing pillars are 15 to 20 feet apart.

Protestants:

John Eagleton, 3210 East 65th Street, informed his objection was

Case No. 13158 (continued)

primarily against a solid 6-foot fence. Mr. Eagleton described the fences in the immediate area. He informed that in over two years there have not been any robberies to his knowledge. This is a dead-end cul-de-sac. He does have a problem with someone wanting a big fence in the front yard.

Applicant's Rebuttal:

Mr. Madewell informed he would like to change his request from having a 6' solid fence to having a 6' wrought iron fence with brick columns. He informed they have had some vandalism and theft from the subject tract during remodeling.

Comments and Questions:

Mr. Gardner informed that the applicant stated that the brick columns would be limited to two feet wide and will be 15 to 20 feet apart.

Ms. Hubbard defined what a required front yard is and what the applicant can do on the property.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 240.2 (c) - Permitted Yard Obstructions - under the provisions of Use Unit 1206) to allow a 6' wrought iron fence with brick columns in the front yard in an RS-1 District under the provisions of Section 1670, subject to the following conditions: (1) That the existing pillars be utilized and be extended two feet in height; (2) that the existing pillars not be expanded in width; and (3) that the wrought iron utilized be of similar spacing as submitted in the photographs, on the following described property:

The NW/4 of the SE/4 of the SE/4 of the NE/4 of Section 5, Township 18 North, Range 13 East, of the Indian Base and Meridian, LESS the South 25 feet for street, in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13159

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request for a variance of the lot width from 75' to 70' and 69'; of the lot area from 9,000 sq. ft. to 5,323 sq. ft. and 4,830 sq. ft.; of the rear yard setback from 25' to 13' and 19'; and of the land area from 10,875 sq. ft. to 10,605 sq. ft. and 6,900 sq. ft., all to permit a lot split in an RS-2 District under the provisions of Section 1670, located at the NE corner of Boston Avenue and 26th Street.

Presentation:

The applicant, Curtis Maxey, 1754 South Darlington Avenue, was present.

Comments:

Chairman Smith informed this item needs to go before the Tulsa Metropolitan Area Planning Commission before being heard by this Board.

Case No. 13159 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue Case No. 13159 to the June 14, 1984, meeting.

Case No. 13160

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1205 - Request for a variance of the building height from 35' to 40' for a church in an RS-3 District under the provisions of Section 1670.

Variance - Section 1205.3 (a) 2 - Use Conditions - Use Unit 1205 - Request for a variance to permit parking in the required front yard of a church, located west of the NW corner of Admiral and 106th East Avenue.

Presentation:

The applicant, A. B. Mason, Jr., 13101 East 14th Street, made this application for Saint Mark's United Methodist Church, 10513 East Admiral Place. Ivan McElwee, architect, 211 Main, Joplin, Missouri, represented the Church. They need the variance for the height so they can have a balcony in the structure for additional seating capacity. They have enough parking to satisfy the regulations of the City, but they feel they will need more than what is required. He submitted a plot plan (Exhibit "N-1") and described it. The new addition to the existing structure will house a sanctuary.

Protestants: None.

Comments and Questions:

Ms. Purser informed the applicant is asking for one foot more than what would be in the minor variance range.

Mr. Gardner informed that the residential district has a limitation of 35 feet--that is for a house. Almost anytime a church or school comes before the Board, there will be a variance of that limitation.

Mr. Smith asked if this is in the floodplain. Mr. Mason described the part of the property that is in the floodplain. Ms. Hubbard informed she believes the Hydrology Division has reviewed the plans and released them.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1205) of the building height from 35' to 40' for a church in an RS-3 District under the provisions of Section 1670, and a Variance (Section 1205.3 (a) 2 - Use Conditions - under the provisions of Use Unit 1205) to permit parking in the required front yard of a church, per plot plan submitted, on the following described property:

Case No. 13160 (continued)

All that part of Lot Four (4), in SPRING GROVE SUBDIVISION in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, more particularly described as follows, to wit: BEGINNING at a point 50 feet North and 25 feet East of the Southwest corner of Said Lot 4; thence North and parallel to the West line of Said Lot 4, a distance of 390.5 feet; thence Easterly and parallel with the South line of Said Lot 4, a distance of 275 feet to a point in the East line of Said Lot 4, Said point being 440.5 feet North of the Southeast corner of Said Lot 4; thence South on and along the East line of Said Lot 4 a distance of 390.5 feet to a point, Said point being 50 feet North of the Southeast corner of Said Lot 4; thence West and parallel to the South line of Said Lot 4, a distance of 275 feet to the point and place of Beginning;

AND

All that part of Lot Five (5), SPRING GROVE SUBDIVISION in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, more particularly described as follows, to wit: BEGINNING at a point in the West line of Said Lot 5, Said point being the Southwest corner of the Highway Property line of Said Lot 5; thence North along the West line of Said Lot 5, a distance of 265 feet to a point; thence East and parallel to the South line of Said Lot 5, a distance of 135 feet to a point; thence South and parallel to the West line of Said Lot 5, a distance of 265 feet to a point in the Highway Property line of Said Lot 5; thence West on and along the Said Highway Property line of Said Lot 5, a distance of 135 feet to the point and place of Beginning.

Case No. 13161

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 50' setback from the centerline of East Newton Place to 35' and of the side yard setback from 5' to 1' to allow a carport in an RS-3 District under the provisions of Section 1670, located east of the SE corner of 89th East Avenue and Newton Place.

Presentation:

The applicant, Lloyd L. White, 8920 East Newton Place, was represented by Wesley Malone, Route 8, Box 649, Claremore, his son. Mr. Malone submitted two pictures of a carport that is located across the street from the subject tract (Exhibit "0-1"). There are also about 18 other carports located in this addition within 1/2 mile. The applicant would like to install a carport to protect his cars. Mr. Malone also submitted a plot plan (Exhibit "0-2") and showed where the carport would be located on the lot.

Protestants: None.

Comments and Questions:

Mr. Gardner described what the applicant is asking for. He is wanting to come within 15 feet in front of the house and within one-foot of the side lot line. This will be 22 feet from the curb and 10 feet from the property line.

Case No. 13161 (continued)

Mr. Smith asked the applicant what the existing garage on the house is being used for, and Mr. Malone informed it is being used for a small den.

Mr. Clugston asked the applicant why he needs to go so close to the lot line, and Mr. Malone informed they have two cars. Their existing driveway has already been extended to within one-foot of the property line. The existing garage is just for one car.

Mr. Gardner informed that drainage will be a consideration. He would need some kind of drainage so the water would not go on his neighbor's property.

Mr. Clugston asked if the proposed carport would be similar to the carport across the street, and Mr. Malone informed that it will be similar to the existing one.

Mr. Smith asked the applicant if the carport across the street was approved by the Board, and Mr. Malone informed he thinks they had a permit for it. There was discussion about where the carport across the street sits on the property. The existing carport is located at 8919 East Newton Place.

Mr. Jones informed the records back to 1975 do not show any other action in this area.

Mr. Gardner suggested that the Board continue this to view the site.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue Case No. 13161 to the June 14, 1984, meeting to allow the Board members time to view the site.

Case No. 13163

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 building setback from the centerline of Gary Place from 50' to 35' for a detached carport in an RS-3 District under the provisions of Section 1670, located at the SW corner of Gary Place and Gary Ave.

Presentation:

The applicant, John Ramsey, 2344 South Gary Place, informed that the nearest neighbor from him and the carport is the Magdeline Catholic Church parking lot. He would like the carport to serve as a buffer zone between the visual and noise that emanates from the parking lot. There is extensive auto traffic coming to the parking lot. He submitted 9 photographs of the area (Exhibit "P-1") and informed that there are other carports in the area. There is already a two-car drive in existence. The carport will be detached because the roof of the structure in front of where the driveway is would not allow for a roof tie-in. He submitted a plot plan (Exhibit "P-2"). The driveway does not go up to the house. There is about four feet of lawn between the driveway and the house. The carport will be of

Case No. 13163 (continued)

wooden construction and will be painted to match the house. It will be a two-car carport. He will put up a trellis on the outside of the carport to help establish a buffer between his house and the church property. Mr. Ramsey described where other carports are located in the area. Mr. Ramsey informed the garage that is on the property is used to store two antique cars in. This garage is on the back of the property and is on another street. His hardship is the church that is next to him.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 2-1-1 (Chappelle, Smith, "aye"; Clugston "nay"; Purser, "abstaining"; Victor, "absent") to DENY a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the required building setback from the centerline of Gary Place from 50' to 35' for a detached carport in an RS-3 District under the provisions of Section 1670.

This motion died for the lack of three affirmative votes.

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 1-2-1 (Clugston, "aye"; Chappelle, Smith, "nay"; Purser, "abstaining"; Victor, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the required building setback from the centerline of Gary Place from 50' to 35' for a detached carport in an RS-3 District under the provisions of Section 1670, on the following described property:

Lot 1, Block 2, Wil-Rey Terrace, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

This application is not approved due to the lack of three affirmative votes.

Case No. 13164

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to permit auto sales in a CS District under the provisions of Section 1680, located east of the SE corner of 33rd West Avenue and Skelly Drive.

Presentation:

The applicant, Richard E. Hyde, 2930 West Skelly Drive, submitted a drawing (Exhibit "Q-1").

Protestants: None.

Comments and Questions:

The Staff informed this area is zoned CS, but there is a mixture of industrial and commercial zoning in the area. The CG and the IL would permit this use by right, but CS requires a special exception.

Case No. 13164 (continued)

Mr. Chappelle asked Mr. Hyde how many cars he would have on the lot, and Mr. Hyde informed he would have 10 to 15. This will be a small operation. He will be closed on Sunday and will operate during the hours of 8 a.m. to 5 p.m.

Mr. Clugston asked what is on the east and west of the subject tract. Mr. Hyde informed his residence is on the east and there is a DX Service Station on the west. He owns the property that the service station is on.

Mr. Gardner informed if the size of the tract is bothering the Board members, the applicant could give an amended legal description. He is talking about an 80' by 200' piece of property on a 7-acre tract.

Mr. Smith asked if there are any other car dealers in this area, and Mr. Hyde described the other car lots in the area. The other car lots are in Creek County, not Tulsa County.

Ms. Hubbard asked the applicant how close to the south property line he will have his cars displayed, and Mr. Hyde informed they will be 335 feet from that property line.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Clugston, Purser, "aye"; Smith, "nay"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - under the provisions of Use Unit 1217) to permit auto sales in a CS District under the provisions of Section 1680, per plot plan submitted with the usage being confined to the 80' by 200' area designated on the plot plan, on the following described property:

Lot 1, Block 1, Amended Hyde Addition, Less the West 208.72' thereof, of the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13166

Action Requested:

Special Exception - Section 1217.3 (b) - Use Conditions - Use Unit 1217 - Request for an exception to permit open air storage (used car display) within 300' of an abutting "R" District in a CS District under the provisions of Section 1680, located south of the SE corner of 14th Street and Memorial Drive.

Presentation:

The applicant, Bill Williams, 2853 South 96th East Place, informed he operates a used car operation at the subject tract which he has leased. He has had this operation there for about a year and a half.

Protestants: None.

Comments:

Pauling informed there is a problem with the advertisement on this case. He informed the applicant needs to ask for a variance of one of the use conditions for the special exception. He described the problem with the advertisement.

Case No. 13166 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue Case No. 13166 to the June 14, 1984, meeting to allow time for this to be readvertised for the proper relief.

Case No. 13168

Action Requested:

Special Exception - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request for an exception to allow a .40 floor area ratio in an OL District under the provisions of Section 1680.

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request for a variance of the building height from one-story to two stories, located east of the SE corner of 15th Street and Victor Avenue.

Presentation:

The applicant, Bruce Bolzle, 3164 South Owasso, informed he wants to develop lots 9 and 10 for an office or medical condominium project. He described the subject tract and informed he is proposing to build three to four single-tenant residential style and residentially designed office or medical buildings with total square footage being between 8,500 to 12,000 square feet. The project will have a mix of one and two-story structures, and the total square footage will be determined by the use and the parking requirements. He submitted a package of materials that included a conceptual plot plan (Exhibit "R-1"). He described the package of materials. He does have an agreement with the Gillette Historic Association. He read this agreement to the Board. He has agreed to reduce his request to the limitations in the agreement with the Association.

Protestants: None.

Comments and Questions:

Ms. Hubbard asked the applicant if he will be able to identify floor area that accommodates general office use as opposed to any type of dental or medical use when they apply for a building permit, and Mr. Bolzle informed they will.

Mr. Gardner informed the Board can approve the conceptual plan with the provision that, at the time they seek construction, they must have the detail plan that shows that it is generally in conformance.

Mr. Clugston asked the applicant what is currently on the property, and Mr. Bolzle informed that currently on the property are three single-family residences, two of which have been used for office purposes, and one of which was used for retail purposes.

Interested Party:

Sharry White, 1518 South Gillette, informed she is the Barnard Sector Representative to Planning District VI and the president of the Gillette Historic District Association. She thanked the Board for

Case No. 13168 (continued)

their past consideration of the uniqueness and the sensitivity of this area. She feels that this proposal will be an enhancement to 15th Street. She informed that in the past they have objected to retail sales, not OL uses.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 630 - Bulk and Area Requirements in the Office Districts - under the provisions of Use Unit 1211) to allow a .35 floor area ratio in an OL District under the provisions of Section 1680, and a Variance (Section 630 - Bulk and Area Requirements in the Office Districts - under the provisions of Use Unit 1211) of the building height from one-story to two stories, with the following conditions:

- (1) That the conceptual plan, as presented by the applicant, be followed in concept, and
 - (2) that the conditions in the agreement between the applicant and the Gillette Historic District become a part of the conditions of approval, such conditions being that:
 - (1) an exception to the floor area ratio allowed in an "OL" District to a maximum of 35% provided that the following condition is made part of the exception: That a minimum parking ratio of 1 car per 300 square feet for general office and 1 car per 215 square feet for medical use be maintained;
 - (2) a variance to allow two-story construction in an "OL" District, provided that the following conditions are made part of the variance:
 - (a) That no building adjacent to the south lot line have south facing windows above the first floor level; and
 - (b) that the south roof line of this building shall begin no higher than ten (10) feet above the floor level,
- on the following described property:

Lots 9 and 10, Block 1, Terrace Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13169

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1226 - Request for an exception to permit Use Unit 26 (Storage and production of oxygen) in an IL District under the provisions of Section 1680, located north of the NE corner of Marshall Street and 143rd East Avenue.

Presentation:

The applicant, Jerry Atchison, 2930 East 51st Street, requested that this item be withdrawn and that he be refunded his fees.

Protestants: None.

Comments:

Chairman Smith informed that the \$25 public hearing fee is all that can be refunded.

5.31.84:414(31)

Case No. 13169 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to withdraw Case No. 13169 and to refund \$25 to the applicant.

Case No. 13170

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to allow a day care center in an RM-1 District under the provisions of Section 1680, located west of the SW corner of 61st Street and Garnett Road.

Presentation:

The applicant, Carol A. Wegley, 10902 East 61st Street, represented the Sugar Berry Apartments. They would like to put a day-care center on the apartment property for the use of the residents only as an additional amenity and for the tenants convenience. It will not affect any of the residents around them, and they do have adequate parking. They have already selected a three-bedroom apartment for this use and have had some inspectors out already. They will have to make minor changes. They will have an enclosed playground area. They already have interviewed a very competent instructor. This will be a learning center, not just a baby-sitting service. They will be open from about 6:30 a.m. until about midnight to provide parents an opportunity to go out. In the evening it will be mainly a baby-sitting service. The square-footage of play area in the selected apartment is about 600 square feet. They will be able to have about 17 children in the day-care center at one time. The center will be open Monday through Friday. Ms. Wegley submitted a plot plan (Exhibit "S-1") and showed the Board members where the center will be located in the apartment complex. There will be no changes to the exterior of the apartment except for converting a window into a door. She informed they do not plan to have a sign.

Protestants: None.

Comments and Questions:

Mr. Gardner informed this use needs to be tied to this general location shown on the plan.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - under the provisions of Use Unit 1205) to allow a day-care center in an RM-1 District under the provisions of Section 1680, for the use of the residents of the apartment complex, per plot plan, on the following described property:

Lot 1, Block 1, Sugar Berry Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 13171

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1202 - Request for an exception to allow a convict pre-release center in an IM District under the provisions of Section 1680, located at the SE corner of Brady Street and Elwood Avenue.

Presentation:

The applicant, Richard Cleverdon, 202 West 8th Street, Suite 300, requested by letter (Exhibit "T-1") that this item be withdrawn.

Protestants: There were protestants present.

Comments:

Mr. Gardner informed the applicant has appealed the first case to District Court.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to withdraw Case No. 13171.

Case No. 13172

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Request for an exception to permit Use Units 12, 13, and 14 in an IL District under the provisions of Section 1680, located at the NE corner of Mingo Road and 54th Street.

Presentation:

The applicant, Michael Bolick, 5511 South 94th East Avenue, was not present.

Protestants: None.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to continue Case No. 13172 to the June 14, 1984, meeting.

OTHER BUSINESS:

Case No. 13061

Action Requested:

Consideration of substitute plot plan for Case Number 13061.

Presentation:

The applicant, Monica Yates, 1131 South 74th East Avenue, informed this case was heard on March 22, 1984. They had to have their architect redo their plans from a one-story building to a two-story building. There will still be four units. When they got their plat waiver on March 29, 1984, the sewer and water authority found that there was a main sanitary sewer line running through on the 32-foot line of the south part of the property. She submitted the new plans (Exhibit "U-1").

Protestants: None.

Comments and Questions:

Ms. Hubbard informed that the Board approved this per plot plan, and when they went to the T.A.C. for their plat waiver they discovered that the building was over an easement. They revised the plan.

Mr. Gardner informed this was zoned for apartments, but when it was zoned it was smaller than what the Ordinance would require as far as minimum area. The zoning would accommodate four units, so the applicant did not have to get a variance for the density. He described the applicant's problem. What she is asking for now does not change anything about the variance that was requested. The only relief she needs is approval of the two-story plans instead of the one-story layout.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to accept the substitute plot plan for Case Number 13061, subject to the use meeting the Zoning Code in all aspects.

Case No. 11683

Action Requested:

Consideration of substitute plot plan for Case Number 11683.

Presentation:

The applicant, Betsy May Barnes, 3308 East 36th Street North, informed she is the chairman of the trustee board of the Pentecostal Temple Church of God and Christ. She informed they would like to have a school on the subject tract.

Protestants: None.

Comments and Questions:

Mr. Jones informed this property has been approved for church and church uses, but it was approved per plot plan. They now want to build a separate building to house their school.

Case No. 11683 (continued)

Mr. Gardner informed this was approved for church use and school use.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to accept the substitute plot plan for Case Number 11683, subject to it being in compliance with all other Building Codes.

Case No. 13139

Action Requested:

Consideration of minutes for Case Number 13139 approved by the Board on May 17, 1984.

Presentation:

This case is on appeal in District Court.

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to approve the minutes of Case No. 13139 approved by the Board on May 17, 1984.

Interpretation of the Zoning Code:

Action Requested:

Request from Building Inspector for an interpretation of the Zoning Code as it relates to satellite dishes.

Presentation:

Ms. Hubbard informed she does not have a problem with satellite dishes. She has determined that they are not customarily incidental accessory uses to any principal use. She feels the people who want these dishes need to come before the Board to get permission. The director of her department was hoping the Board could come up with some guidelines that would permit the dishes in some instances and require them to get special permission in other instances. Ms. Hubbard informed she has talked to two experts, and the variety of dishes is so great that she does not see how guidelines can be written to properly regulate the use. She described some of the problems she has with this.

Mr. Clugston informed he would like to have written guidelines to evaluate them. The only guidelines he can think of would be in terms of size.

Ms. Hubbard informed that about the smallest satellite dish made is about 2.8 meter or 3 meter.

Mr. Gardner informed the Board can instruct the Building Inspector to continue with the existing policy on the issuance of permits until the Staff has studied the matter further.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to instruct the Building Inspector to continue with the present policy of requiring a special exception for satellite dishes until some guidelines are developed.

There being no further business, the Chair declared the meeting adjourned at 6:04 p.m.

Date Approved 6.28.84

Charles J. Chynoweth
Chairman