

**CITY BOARD OF ADJUSTMENT**  
**Minutes of Meeting No. 417**  
**Thursday, July 12, 1984, 1:00 p.m.**  
**Langenheim Auditorium, City Hall**  
**Tulsa Civic Center**

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Purser Smith, Chairman Victor	Chappelle Clugston	Gardner Jones Wiles	Hubbard, Protective Inspections Jackere, Legal Dept. Linker, Legal Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, July 10, 1984, at 11:00 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 1:01 p.m.

**MINUTES:**

There were no minutes ready to be approved.

**UNFINISHED BUSINESS:**

**Case No. 13172**

**Action Requested:**

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

**Presentation:**

The applicant, Michael Bolick, 6614 East 57th Place, told why he asked for this relief. He informed that he currently has leases in negotiation for two of the requested use units--one is a restaurant and the other is an automotive parts store. He is also negotiating for a commercial computer business. All of these uses are already found in this same area on this same street. He submitted seven photographs (Exhibit "A-1"), an artist's rendering of the project (Exhibit "A-2"), a plot plan (Exhibit "A-3") and an elevation plan (Exhibit "A-4").

**Comments and Questions:**

There was discussion about what the concerns of the Board were when this case was previously heard.

Mr. Gardner informed that the Ordinance has just recently been amended and Use Unit 12 includes bars, taverns, dance halls, etc. The Board needs to take that into consideration and make the necessary requirements concerning these uses.

Case No. 13172 (continued)

Mr. Bolick informed he would not object to having Use Unit 12 restricted to restaurants, but he would like Use Units 13 and 14 to be left open.

There was discussion about what would be allowed in the requested use units.

Mr. Victor asked the Staff if they had any problems with any of the uses in Use Units 13 and 14, and Mr. Gardner informed most of the uses they would use from those Use Units would be of a service nature.

Ms. Purser informed one of the reasons for restricting industrial areas is to keep a lot of traffic out of the interior roads. This is on Mingo which is not an interior road.

Mr. Bolick told the Board members some of the use units uses that are found in the area.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to approve a Special Exception (Section 910--Principal Uses Permitted in Industrial Districts) to permit Use Units 12, 13, and 14 in an IL district under the provisions of Section 1680, per plot plan, with the following exception: That Use Unit 12 be limited to restaurants only with the specific exclusion of all other uses listed in the Use Unit, on the following described property:

Lot 16, Block 1, Tulsa Southeast Industrial District an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13202

Action Requested:

Special Exception--Section 1680.1 (g)--Use Unit 1211--Request an exception to permit off-street parking within a residential district when abutting an office district in an RS-2 district, located at the northeast corner of 22nd Street and Riverside Drive.

Presentation:

The applicant, Ronda Davis, 10 East 3rd Street, was represented by Kenneth Alberty, 10 East 3rd Street. Mr. Alberty asked that this case be continued to the July 26, 1984, meeting.

Protestants:

There was a protestant present.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, THE Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to continue Case No. 13202 to the July 26, 1984, meeting.

## MINOR VARIANCES AND EXCEPTIONS:

### Case No. 13209

#### Action Requested:

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD, and RM Districts--Use Unit 1206--Request a variance of the lot width from 60' to 50' to permit a lot split in an RS-3 district under the provisions of Section 1670, located east of the southeast corner of Peoria and 33rd Street.

#### Presentation:

The applicant, John Brooks Walton, 2101 South Madison, informed the property has 100 feet of frontage, and he is requesting a split to make two 50 foot residential lots. He submitted a plot plan (Exhibit "B-1") and informed that there is a residence on the lot now. With the lot split, the setbacks for the residence will all be in accordance with the Zoning Code.

#### Comments and Questions:

Mr. Gardner informed that this has been approved by the Planning Commission. Most of the lots in the area are 50 foot lots already.

There was discussion about the size of the lots across the street from the subject tract.

#### Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "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 lot width from 60' to 50' to permit a lot split (L-16201) in an RS-3 district under the provisions of Section 1670, on the following described property:

Lot 7, Block 1, Oliver's Addition to the City of Tulsa, Tulsa County, Oklahoma.

### Case No. 13212

#### Action Requested:

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD, and RM District--Use Unit 1206--Request a variance of the 55' setback from the centerline of Independence Street to 50' to permit an addition to an existing dwelling in an RS-3 district under the provisions of Section 1670, located at the southeast corner of Braden Avenue and Independence Street.

#### Presentation:

The applicant, Steven E. Sinor, 3203 West 40th Street, represented Charlie Woods. Mr. Sinor informed they would like to build 5 feet beyond the building line. He submitted a plot plan that shows the proposed addition (Exhibit "C-1"). There are two other houses on this same street that sit out 5 feet beyond the building line. This addition will line up with the existing structure.

Case No. 13212 (continued)

Protestants: None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "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 55' setback from the centerline of Independence Street to 50' to permit an addition to an existing dwelling in an RS-3 district under the provisions of Section 1670, per plot plan, due to the irregular shape of the lot, on the following described property:

Lot 8, Block 5, Yale Terrace Second Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13216

Action Requested:

Variance--Section 730--Bulk and Area Requirements in the Commercial Districts--Use Unit 1211--Request a variance of the 100' setback from the centerline of Sheridan to 87' to permit construction of a temporary branch banking facility in a CS district under the provisions of Section 1670, located south of the southeast corner of 71st Street and Sheridan.

Presentation:

The applicant, Charles Norman, 909 Kennedy Building, requested by letter that Case No. 13216 be withdrawn.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to withdraw Case No. 13216.

NEW APPLICATIONS:

Case No. 13208

Action Requested:

Use Variance--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1215--Request a use variance to permit rental and storage of Porta-Johns, office use, and parking of trucks in an RS-3 district under the provisions of Section 1670, located west of the southwest corner of Latimer and Mingo.

Presentation:

The applicant, Billy J. Bryant, 9526 East Latimer, informed that he has operated this business right across the street from the subject tract for 10 years. He described why he moved the business to the subject tract and told about the subject property and the layout of the business. He submitted a notarized statement from his only

Case No. 13208 (continued)

neighborhood which states that he has no objection to this (Exhibit "D-1"). Mr. Bryant also submitted 24 photographs and explained them (Exhibit "D-2").

Comments and Questions:

Ms. Purser informed the applicant that the map shows residential zoning to the north, south, and west of the subject tract. Mr. Bryant described other uses in the area.

Ms. Purser asked the applicant about the kind of fence that will be on the tract, and Mr. Bryant informed it is a 6' privacy fence. He does not have all the gates up for the fence at this time. He informed that the fence is on three sides of the tract.

Mr. Bryant informed that the Porta-Johns will be stored outside on the lot.

Mr. Bryant informed he has been using this lot for this business on and off for the past ten years. He is now before the Board because a complaint was filed against him.

There was discussion about what use unit this use would fall under.

Ms. Bryant informed that the Porta-Johns are sanitized before they are brought to the subject tract. He stores four trucks on the property and has about 350 Porta-John units. They don't store more than 50 of the units at one time.

Protestants:

Dale Irwin, 9133 East Latimer Street, informed this is a seedy-appearing operation and is offensive to the neighborhood. He described what the business looks like to travellers of Latimer Street. He told what has gone on and what is going on on the subject property. They have had traffic problems in the area because of commercial trucks blocking the street. The applicant uses the neighborhood streets for access instead of using a nearby arterial street. He informed that 29 years ago this area was not developed--this business was not there as the applicant had indicated. Mr. Irwin informed they do not know where the applicant dumps his trucks. Mr. Irwin described the privacy fence and informed that it is not very private. The fence will not hide the Porta-Johns. The subject property is immediately adjacent to Loving Park, and it does not give a good appearance. Mr. Irwin informed that this business does not belong in a residential area.

Another protestant informed that the fence on the subject tract has not been there for ten years as the applicant had indicated.

Applicant's Rebuttal:

Mr. Bryant informed that the fence on the west side of the property has been there for ten years. He apologized for the trouble they have caused people in the neighborhood--he did not realize that they were causing trouble.

Case No. 13208 (continued)

Comments and Questions:

Mr. Victor informed the applicant that he is requesting a variance for this use and, thus, he must demonstrate a hardship. Mr. Victor informed he has not seen a hardship for the use.

Mr. Bryant informed that this property is not fit to live on and he does have a lot of money in the property. The property is located in a flood area. The operation is kept up to par.

Mr. Smith informed that he does not think that this is a use that can be supported in a residential area.

Ms. Purser informed she feels that if there is a relief, it does not lie with this Board--it would lie with a change in zoning. She made a motion for denial and informed that her motion has nothing to do with the previous location or neatness. It has to do with the property being zoned residential.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to DENY a Use Variance (Section 410--Principal Uses Permitted in the Residential Districts--under the provisions of Use Unit 1215) to permit rental and storage of Porta-Johns, office use, and parking of trucks in an RS-3 district under the provisions of Section 1670, on the following described property:

The West 105' of N/2 of N/2 of NE/4 of NE/4 of SE/4 Section 36, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13210

Action Requested:

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD, and RM Districts--Use Unit 1206--Request a variance of the 50' setback from the centerline of 29th West Avenue to 34' to permit an addition to an existing dwelling in an RS-3 district under the provisions of Section 1670, located at the northeast corner of Haskell Place and 29th West Avenue.

Presentation:

The applicant, Larry E. Robinson, 2843 West Haskell Place, submitted a plot plan (Exhibit "E-1") and informed that the addition will be on the west side of the house and will face 29th Street West. He informed that 29th Street is between his house and Central High School and is a dead-end street.

Protestants: None.

Comments and Questions:

Ms. Purser asked Mr. Gardner if there are any plans for extending 29th Street, and he informed that he is not aware of any.

Case No. 13210 (continued)

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "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 50' setback from the centerline of 29th West Avenue to 34' to permit an addition to an existing dwelling in an RS-3 district under the provisions of Section 1670, per plot plan submitted, on the following described property:

Lot 8, Block 2, Skyline Ridge 6th Addition to the City of Tulsa, Osage County, Oklahoma.

Case No. 13211

Action Requested:

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD, and RM Districts--Use Unit 1206--Request a variance of the 50' setback from the centerline of Haskell Street and of the 3' setback from the east property line to 0' all to permit an accessory building in an RM-1 district under the provisions of Section 1670, and a Variance--Section 240.2(e)--Permitted Yard Obstructions--Use Unit 1206--Request a variance of the 750 sq. ft. to 910 sq. ft. for a detached accessory building, located at the southeast corner of Columbia Place and Haskell.

Presentation:

The applicant, Marvin Coats, 159 North Columbia Place, submitted a plot plan (Exhibit "F-1") and informed his existing garage is too small so he would like to build a larger one. He told what the proposed building will be used for. He will remove the existing garage--the slab will be turned into a patio. The proposed building is metal. There is one metal building two blocks south of the subject tract--he is not sure what that building is used for.

Comments and Questions:

Mr. Gardner informed that the other metal building in the area is in commercial zoning.

Mr. Victor informed that the site plan shows that the building will be three feet from the side yard and the rear yard. Mr. Coats informed he will build the building three feet from the yard lines if he cannot get this relief. He informed that the building will be 29.3 feet from the center of the street.

Ms. Purser informed her feeling is that the building is too much for this lot.

Mr. Victor informed that on one side everything is three feet from the property line. The size and the setback from Haskell are the Board's concerns.

Case No. 13211 (continued)

Mr. Gardner informed that the Staff would be concerned with the size of the building--It is big enough to be a commercial-type building.

Ms. Purser asked the applicant if he has been doing work on automobiles at his house, and Mr. Coats informed he has done some from time to time but that is not what the building is for. He informed he will continue working on cars at this location if he needs to. He informed he does understand that it is against the Zoning Laws to work at home.

Mr. Smith asked about the livability space on this piece of property. Mr. Gardner described what the applicant could build on the lot.

Mr. Coats described the slope of his land.

Mr. Victor informed he cannot see a basis for the hardship of going from the allowed 750 sq. ft. to 910 sq. ft.

Mr. Coats informed he can build a smaller garage, but he would still like to have the variances of the setbacks.

Mr. Gardner described what relief the Board could give to the applicant. They could grant him a setback from Haskell and then make him meet the Code in all other respects.

Mr. Coats informed that the quad-plex next to him is 34 feet from the centerline.

Ms. Purser informed if the Board gives the applicant the setback to line up with the existing quad-plex and then limits the size of the building to the standard 750 sq. ft., they will meet part of the applicant's needs and the requirements of the City as well.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "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 50' setback from the centerline of Haskell Street to a distance of 35' or alignment with the quad-plex to the east to permit an accessory building in an RM-1 district under the provisions of Section 1670, 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 3' setback from the east property line to 0' to permit an accessory building in an RM-1 district under the provisions of Section 1670, and to DENY a Variance (Section 240.2 (e)--Permitted Yard Obstructions--under the provisions of Use Unit 1206) of the 750 sq. ft. to 910 sq. ft. for a detached accessory building, on the following described property:

Lot 30, Block 3, Reddin Addition to the City of Tulsa, Tulsa County, Oklahoma.



Case No. 13213

Action Requested:

Variance--Section 930--Bulk and Area Requirements in the Industrial Districts--Use Unit 1226--Request a variance of the 100' setback from the centerline of Utica to 67' to permit construction in an IM district under the provisions of Section 1670, located south of the southeast corner of 5th Street and Utica.

Presentation:

The applicant, William J. Stava, Jr., 3052 East 83rd Street, submitted a map of the area and gave the background of this property (Exhibit "G-1"). When he bought the property, he thought it had a 50' setback. He does not feel that this request is out of character with the existing terrain.

Protestants: None.

Comments and Questions:

Ms. Purser asked the applicant if the proposed building will be used to work on cars. Mr. Stava informed the building will be used as an operations building to run during the day. Half of the 8,000 sq. ft. building will be dedicated to garage space. Most of the vehicles will be parked inside at night. There will be a security fenced yard for additional parking if required.

Mr. Gardner described other relief that the Board has granted in this area. He informed the applicant needs to demonstrate if there are any new buildings that the Board has allowed that would be less than 75' from the centerline.

Ms. Purser asked the applicant why the proposed building has to be of the shown configuration, and Mr. Stava described why they need the building as shown. He informed that the layout is very critical to this operation.

Mr. Victor asked what kind of garage this is, and Mr. Stava informed it is a storage garage for armored cars.

The Board members did not feel that the applicant had shown a hardship. Ms. Purser informed she is in favor of giving some relief. Mr. Victor informed he would see no problem in granting relief to 75 feet. There was discussion about how much relief should be granted.

Mr. Stava told the Board how he could change the location of the building so that he would just need relief to 70 feet.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to approve a Variance (Section 930--Bulk and Area Requirements in the Industrial Districts--under the provisions of Use Unit 1226) of the 100 foot setback from the

**Case No. 13213 (continued)**

centerline of Utica to 70 feet to permit construction in an IM district under the provisions of Section 1670, on the following described property:

Lots 21 through 25, Block 11, ABDO Addition to the City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13217**

**Action Requested:**

Variance--Section 730--Bulk and Area Requirements In the Commercial Districts--Use Unit 1211--Request a variance of the 100' setback from the centerline of 31st Street to 74' to permit construction of a temporary branch banking facility in a CS district under the provisions of Section 1670, located at the northeast corner of Garnett and 31st Street.

**Presentation:**

The applicant, Charles Norman, 909 Kennedy Building, requested by letter (Exhibit "H-1") that Case No. 13217 be withdrawn.

**Protestants:** None.

**Board Action:**

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to withdraw Case No. 13217.

**Case No. 13218**

**Action Requested:**

Special Exception--Section 410--Principal Uses Permitted In the Residential Districts--Use Unit 1205--Request an exception to permit expansion of an existing building on church property in an RS-2 district under the provisions of Section 1670, located at the southeast corner of 38th Street and Lewis.

**Presentation:**

The applicant, Charles Norman, 909 Kennedy Building, represented the Southside Christian Church and the Project Get Together. On the campus of the church is located the Lighthouse School for the Visually Impaired. To the rear of the church site is an older building which has been used for community services since before 1975. They would like to expand this older building. He submitted three pictures (Exhibit "1-1") and described them. He also submitted two plot plans (Exhibits "1-2", "1-3"), a plat (Exhibit "1-4"), two floor plans (Exhibit "1-5") and a map (Exhibit "1-6"). They would like to add about 1,600 sq. ft. to the east side of the structure and would like to remodel the remaining part of the facility. Mr. Norman described the setbacks on the property that will be maintained. They have talked to the people in the neighborhood and they have their support of the project. Mr. Norman submitted two elevation plans (Exhibits "1-7", "1-8").

Case No. 13218 (continued)

Protestants:

Orden Brechtel, 2257 East 38th, informed that if any part of this building is going to lead to the commercialization of the property, he seriously objects. He stated that the traffic in that area is congested enough without a building that might lead to commercialization.

Comments and Questions:

There was discussion about the access to the subject property.

Mr. Norman informed that this is not in any way a commercial operation.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to approve a Special Exception (Section 410--Principal Uses Permitted in the Residential Districts--under the provisions of Use Unit 1205) to permit expansion of an existing building on church property in an RS-2 district under the provisions of Section 1670, per plot plan and elevations submitted, on the following described property:

All of the following described real estate, situated in the County of Tulsa, State of Oklahoma, to-wit: That part of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) of Section Twenty (20), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, in Tulsa County, State of Oklahoma, according to the United States Government Survey thereof more particularly described as follows, to-wit: Beginning at a point on the West line of Section Twenty (20), One Hundred Ninety-four (194) feet South of the Northwest corner of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4); thence running East and parallel to the North line of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4), a distance of Six Hundred Fifty-eight and six hundredths (658.06) feet; thence Southerly Three Hundred Five (305) feet; thence West and parallel to the North Line of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) a distance of Six Hundred Fifty-seven and Ninety-six hundredths (657.96) feet to the West line of said Section Twenty (20); thence North along said Section line a distance of Three Hundred Five (305) feet to the Point of Beginning, Except Ten (10) feet along the West line of said property dedicated for street purposes, and less the East 135.00 feet thereof; AND That part of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) of Section Twenty (20), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, in Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to-wit: Beginning at a point on the North line of the said Southwest Quarter (SW/4) of the Southwest Quarter (SW/4), Four Hundred Fifty-seven and five tenths (457.5) feet East of the Northwest corner thereof; thence in a Southerly

Case No. 13218 (continued)

direction and parallel with the West line of said Southwest Quarter (SW/4) of the Southwest Quarter (SW/4), a distance of One Hundred Ninety-four (194) feet; thence in an Easterly direction a distance of Thirty One and Ninety-six Hundredths (31.96) feet; thence in a Northerly direction on a straight line a distance of One Hundred Ninety-four (194) feet to its intersection with the North line of said Southwest Quarter (SW/4) of the Southwest Quarter (SW/4), at a point measured One Hundred Sixty-eight and Twelve hundredths (168.12) feet along the Northerly line of said Forty (40) acre tract from the Northeasterly corner thereof; thence in a Westerly direction along the Northerly line of said Forty (40) acre tract a distance of Thirty-two and five-tenths (32.5) feet to the point and place of beginning; except the Northerly Twenty-five (25) feet thereof dedicated for highway purposes.

Case No. 13219

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1209--Request an exception to allow a mobile home in an RS-3 district under the provisions of Section 1680, a Variance--Section 440.6--Special Exception Uses in Residential Districts, Requirements--Use Unit 1209--Request a variance of the time limitation for a mobile home from 1 year to 10 years, and a Variance--Section 208--One Single-Family Dwelling Per Lot of Record--Use Unit 1209--Request a variance to allow two dwellings (1 house, 1 mobile home) per lot of record, located south of the southwest corner of 36th Street and Maybelle Avenue.

Presentation:

The applicant, Ruth Wilburn, 3612 South Maybelle, informed she would like the mobile home for her daughter to live in. The subject tract is 50 feet by 140 feet. There are other mobile homes in the area. She described where they are located.

Comments and Questions:

Mr. Gardner informed that the first special exception and the first variance have been granted by the Board fairly routinely in this area. What they have not addressed before, to his knowledge, is the variance to allow more than one dwelling per lot of record. That is the key issue in this case.

Mr. Victor asked the applicant if there are other lots in the area that have two single-family dwelling units on them. Mrs. Wilburn informed there is one other lot that has two dwelling units on it.

Ms. Purser asked the applicant if there are some vacant lots across the street from the subject tract, and the applicant informed that there are. They have called the owners of that land, and the owners do not want to sell the land.

Case No. 13219 (continued)

Mr. Gardner informed this is a mixed area, and he does not know of any lots that have two dwelling units on them.

Mr. Victor informed he would like to go out and view the site.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to continue Case No. 13219 to the July 26, 1984, meeting to allow the Board members time to view the site.

Case No. 13220

Action Requested:

Variance--Section 430.2--Bulk and Area Requirements in the RMH District--Use Unit 1209--Request a variance of the bulk and area requirements in an RMH district under the provisions of Section 1670, located north of the northwest corner of 129th East Avenue and Admiral.

Presentation:

The applicant, Warren G. Morris, 3312 South 115th East Avenue, described what the Board has previously allowed them to have on the lot and what they have already done on the property. They would now like permission to be able to develop this project in phases rather than having to have all the utilities in before any units can be moved onto the tract. Mr. Morris submitted two plats (Exhibits "J-1", "J-2") and described them. The Zoning Code requires a mobile home park to be at least 5 acres in size, and this phase is a little over 3 acres.

Comments and Questions:

Mr. Linker informed this Board does not have the jurisdiction over phase development. The only thing this Board has jurisdiction over would be any requirement of the Zoning Code that he is asking to have waived.

Mr. Morris explained that he is asking for a variance to be able to develop three acres instead of five acres. They would also like to be able to sell mobile homes from these sites.

Mr. Gardner explained that if this is subdivided into a subdivision the applicant could put the mobile homes on the lots and sell them because it would be just like a single-family subdivision. The applicant does not want to subdivide, so he would have to have a use variance to allow the property to be used commercially. He is not advertised for that variance.

Mr. Gardner informed that the Board needs to be sure that the density the applicant plans to put on this tract is uniformly the same as the density that they approved for the development earlier. He would be allowed about 30 units. Mr. Morris informed they have 26 lots on these three acres.

Case No. 13220 (continued)

Mr. Gardner informed that the Board could require that the applicant provide, for the record, a revised plot plan that meets the density allocations that the Board granted him over the entire 13 acres.

Protestants:

Bruce McKenna, 3140 South Winston Avenue, informed he is here to protest if any of the density requirements were to be changed, if the number of units was to be increased, if the lot sizes previously granted might be decreased, or if the livability space might be decreased. If this is just phase development, they have no protest.

Comments and Questions:

Mr. Gardner informed that the full 13 acres has been platted as one lot and one block with some easements. He described what the applicant has submitted and what he wants.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to approve a Variance (Section 430.2--Bulk and Area Requirements in the RMH District--under the provisions of Use Unit 1209) of the bulk and area requirements in an RMH district under the provisions of Section 1670, per plan submitted, specifically to permit phase development of this park with approval being for approximately a three acre tract out of the overall 15 acres of Cooley Lake East Addition, subject to all the original requirements including a minimum of 40 feet of frontage per lot, provided that the density be no greater than that previously approved on the entire 15 acres as it applies to the three acres, and subject to a portion of the northeast corner of the tract being used for open space (300 sq. ft. per dwelling unit), on the following described property:

Lot 1, Block, 1, Cooley Lake East, an addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Action Requested:

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

Discussion:

Staff informed they are in the process of working up some standards for this. It was suggested that this item be struck from the agenda today and be brought when the study is completed.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to strike this item from the agenda.

Case No. 12390

Action Requested:

Reconsideration of prior approval of Case No. 12390.

Presentation:

Roy Johnsen, 324 Main Mall, informed they would like to submit a substitute plot plan (Exhibit "K-1") which shows parking along the 31st Street Frontage instead of open space which was shown in the original plan. He submitted two photographs of the subject property and surrounding area and explained them (Exhibit "K-2").

Comments and Questions:

Mr. Gardner informed that this is just a substitute of the plot plan unless the open space was a condition of approval.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to accept the substitute plot plan for Case No. 12390.

Case No. 13084

Action Requested:

Reconsider Case #13084 heard on April 5, 1984.

Presentation:

The applicant, Charles Norman, 909 Kennedy Building, informed this case concerns the application for the Riverfield Day School which was approved by the Board in April, 1984, subject to a number of restrictions. He described what has happened in the process of designing the building they plan to construct. The construction process has been delayed so they are not on schedule. They already have children enrolled to begin school in September, but their building will not be ready for use. Mr. Norman informed that at the April meeting he stated to the Board that the existing house on the tract would not be used as part of the school, but would be a residence for Staff. They would now like to ask permission to use the residence for a period of not more than 6 months as a part of the school facilities until they can get their building constructed. There will be access to the house only from 68th Street which was the approved access. They would not have more than 30 children (Kindergarten through fifth grade) attending school in the residential house. Mr. Norman informed that they have learned that when unplatted property is given a special exception approval, it requires the platting of the entire property. He informed that platting the entire piece of property would create a major timing problem. They would like to be able to plat a tract of land which is 218' by 388' in the first phase of the plat and that they not have to solve all of the problems relating to the full ten acres in order to build their first building. Mr. Norman informed that the building they are now proposing may not look the same as it was previously presented to the Board. He told what they are now proposing to do.

Case No. 13084 (continued)

Comments and Questions:

There was discussion as to whether the Board is in a legal position to grant the relief that Mr. Norman is requesting without a public hearing.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to readvertise Case No. 13084 for public hearing on July 26, 1984.

There being no further business, the Chair adjourned the meeting at 3:28 p.m.

Date Approved \_\_\_\_\_

8/23/84



Chairman