

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 418  
Thursday, July 26, 1984, 1:00 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Clugston Smith Victor	Purser	Augustine Gardner Wiles	Jackere, Legal Department Hubbard, Protective Inspections Dept. Garriott, Protective Inspections Dept.

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, July 24, 1984, at 11:45 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 1:07 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the Minutes of June 14, 1984 (No. 415).

UNFINISHED BUSINESS:

Case No. 13201

Action Requested:

Variance - Section 207 - Street Frontage Required - Request for a variance of the required 30-foot of frontage to 0 feet, located at the SE corner of 7th Street and 121st East Avenue.

Presentation:

Joe McCormick, 1776 One Williams Center, represented Phillip Smith, 6613 South Zunis Avenue, Unit 2608. This was before the Board before. They were granted a number of variances to replat the subdivision, but they failed to ask for a variance of the frontage requirement. They have a private street that goes into each lot. He submitted a plat (Exhibit "A-1").

Protestants: None.

Comments:

Mr. Jackere stated there was one protestant who was concerned about what would be built on the four vacant lots. The Board had no problem with this.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a variance (Section 207 - Street Frontage Required) of the required 30-foot of frontage to 0 feet, on the following described property:

Lot 1, Block 1, Latty Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13206

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 setback from centerline of 35th Street from 60' to 30' to permit an enclosed swimming pool in an RS-1 District under the provisions of Section 1670, located at the NW corner of East 35th Street and Florence Avenue.

Presentation:

Lloyd S. Markind, 525 South Main Street, Suite 300, represented the owners of the subject tract. A variance was approved on July 28, for the building setback from the street. They now find there is also a problem with the rear yard line. He described the problem they have and informed they will have no problem with obstruction of view on the rear of the lot. He submitted a plot plan (Exhibit "B-1").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by Chappelle, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206) of the rear yard setback requirement to permit an enclosed swimming pool in an RS-1 District under the provisions of Section 1670, per plot plan, on the following described property:

A part of Lot 1, Block 7, of CHARLANE ESTATES, Blocks 6, 7, 8, and 9, an Addition to Tulsa, Oklahoma, described as follows, to wit: BEGINNING at a point on the Southerly line of Said Lot 1, Said point being 428.81 feet Easterly of the Southwest Corner of Lot 1, as measured along the South line of Lot 1; thence Northeasterly along the Southerly line of Lot 1, for 124.91 feet to a point of curve; thence along a curve to the left for 71.10 feet to a point of tangency; thence Northwesterly along the Easterly line of Lot 1 for 35.4 feet to a point of curve; thence continuing along the Easterly line of Lot 1 for 64.51 feet; thence Westerly on a straight line 136.32 feet; thence Southerly on a straight line for 216.16 feet to the point of beginning, according to the Recorded Plat thereof, and known as 3416 South Florence Avenue.

Case No. 13202

Action Requested:

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

Presentation:

The applicant, Ronda Davis, 10 East 3rd Street, requested by letter (Exhibit "C-1") that this be continued until the August 9, 1984 meeting. Mr. Jackere stated that both parties have agreed to the continuance at this time.

Case No. 13202 (continued)

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 13202 to the August 9, 1984, meeting.

Case No. 13219

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209 - Request for an exception to allow a mobile home in an RS-3 zoned district under the provisions of Section 1680.

Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for a variance of the time limitation for a mobile home from 1-year to 10 years.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request for a variance to allow two dwellings (1 house, 1 mobile home) per lot of record, located South of the SW corner of 36th Street and Maybelle Avenue.

Presentation:

Ruth Wilburn, 3612 South Maybelle Avenue, requested by letter (Exhibit "D-1") that this case be withdrawn. She cannot receive Health Department approval and would like a refund of fees.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to withdraw Case No. 13219 and refund \$25.00 to the applicant.

Case No. 13084

Action Requested:

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

Presentation:

Charles Norman, 909 Kennedy Building, stated this item was continued to give notice. He explained what they wanted. After notice was given, they found that there is an existing post office building they can use for the school. They would now like to withdraw this request.

Protestants: None.

Case No. 13084 (continued)

Board Action:

On MOTION of Chappelle and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to withdraw Case No. 13084.

Additional Discussion:

Mr. Norman informed they were to be back on the March 1985, agenda for review of traffic patterns, however, they are running a year behind schedule, so they would like to be on the March 1986, agenda in order to review traffic patterns.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to place Case No. 13084 on the March 1986, agenda to review traffic patterns.

NEW APPLICATIONS

Case No. 13214

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request for a variance of the lot width from 75' to 45' to permit a lot split in an OL zoned district under the provisions of Section 1680, located west of the SW corner of 25th West Avenue and Edison Street.

Presentation:

Bernard Hecht, was represented by Joseph McCormick, 1776 One Williams Center, who submitted a plot plan (Exhibit "E-1") and informed they need a variance of the lot width from 75' to 45'. They need this for title reasons. The lots are owned by the same person. They were split in 1932, put back together in 1942, and split again in 1975. The deeds are invalid under the Oklahoma Statutes. They need the lot split approved in order to make the deeds valid. The Planning Commission approved this lot split.

Protestants: None.

Comments:

Mr. Gardner said there was a question about the size of the tract and the fact that it is zoned office. He described this question.

Mr. McCormick informed the Planning Commission required an access control agreement and a parking agreement. They can take care of the problem. They just want to validate the old deeds.

Mr. Gardner said the record should be clear that this has to be treated as part of the property to the west. A condition must be put in that it shall not be used or sold as an individual office tract.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 630 - Bulk

Case No. 13214 (continued)

and Area Requirements in the Office Districts, under the provisions of Use Unit 1211) of the lot width from 75' to 45' to permit a lot split (L-16217) in an OL District under the provisions of Section 1680, as requested with the condition that it not be sold at a later date as a separate office development, on the following described property:

Lots 5 and 6, Block 1, Easton Heights Second Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13215

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1207 - Request for a variance of the lot width from 60' to 27', lot area from 6,900 sq. ft. to 3,997 sq. ft., land area from 8,400 sq. ft. to 4,689 sq. ft.; livability space from 4,000 sq. ft. to 2,180 sq. ft.; and side yard setback from 5' to 0', all in order to permit a lot split in an RS-3 District under the provisions of Section 1670, located south of the SW corner of 46th Street North and Union Avenue.

Presentation:

Dennis C. Hale, 4989 South Union Avenue, reported these are lot splits on four duplexes approximately five years old. This was approved by the Planning Commission. They want to sell individual units on both sides of the duplexes. They have submitted stem wall surveys and have properly described the splits so that they run right down the common wall.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - under the provisions of Use Unit 1207) of the lot width from 60' to 27', lot area from 6,900 sq. ft. to 3,997 sq. ft., land area from 8,400 sq. ft. to 4,689 sq. ft., livability space from 4,000 sq. ft. to 2,180 sq. ft., and the side yard setback from 5' to 0' all in order to permit lot splits (L-16218 and L-16219) in an RS-3 District under the provisions of Section 1670, on the following described property:

The South 120' of Lots 2 and 9, Block 1, Greenfield Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13221

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request for an exception to allow Use Units 15, 17, and 18 in a CS District under the provisions of Section 1680.

Variance - Section 1217.3 (a, b) - Use Conditions - Use Unit 15, 17, and 18 - Request for a variance to waive screening requirements from an abutting R District and a variance to permit open air storage with-

Case No. 13221 (continued)

in 300' of an adjoining R District, located at the SE corner of 41st Street and Broken Arrow Expressway.

Presentation:

Bill Mizener was represented by Richard Riddle, 5314 South Yale Avenue, Suite 200. Mr. Riddle submitted a plan (Exhibit "F-1") and informed the Board that the tract consists of two lots. The property dimension is 326 feet and they are looking at a 300-foot setback. He described the surrounding uses. They have entered into an agreement with St. John's Medical Center, indicating that they will accept certain uses under these exceptions. He submitted a letter stating their principal concern was that certain things might be installed that would detract from their office building (Exhibit "F-2"). This is a prime piece of property. Some of the residents were concerned that dust would be generated. They shall not have any storage areas that would not have hard surface paving. This would be suitable for office use and an automobile dealership. They do not want to screen along the expressway.

Comments and Questions:

There was discussion about which use units and which uses would be involved in this application.

Mr. Jackere asked if they would have a gasoline service station. Mr. Riddle informed there is a Git-N-Go store with a pump, and it will not be expanded.

Mr. Jackere had a problem with the submitted list. Mr. Gardner stated that the applicant is trying to say he will give up some uses that are permitted by right.

Protestants:

Carl Fair, 9206 East 40th Place, lives right across from the property. He informed they had no flooding problems when the land was vacant. They do not want to have anything done on the property that will increase the flooding problems. He is not familiar with the terms of the uses they were speaking of. They do not want things done on the subject tract that will devalue their property.

Gary Endicott, 3958 South 93rd East Avenue, described where his house is located. He had three concerns: (1) The side with open air storage (he has no problems with the other commercially zoned businesses), (2) the canal which runs through this area, and (3) this area was flooded on May 26, 1984.

A. G. Fielder, 9304 East 40th Place, lives right across the canal from the subject tract. The culvert is too small, and water backs up on the property. He described a previous use on the property that created a lot of dust.

Comments:

Mr. Gardner stated this is a unique area. The CS on the southeast corner is developed as offices. This is an opportunity for the Board to look at uses that will be compatible rather than any CS use that might not be. They could restrict as a condition of approval not having some of the businesses that could be there by right.

Mr. Gardner informed he is concerned about the drainage. There was flooding on the tract. He questioned the type of open storage for new cars. Maybe the property could be filled to a proper elevation to get it out of the floodplain. He would condition approval upon approval of the Hydrology Department.

The culvert along 49th Street is not wide enough. The owner indicated that a condition would be to repair the culvert. They will be building it for the City. The flooding was probably caused by the size of the culvert.

Mr. Victor asked if open air storage is relative to automobile sales only. Mr. Riddle informed it is and the reason for the list is that they do not want to make separate application. They felt they needed to resolve these issues to assist in marketing the property. The neighbors' concern was the type of things that might be stored on the lot.

Mr. Victor asked why he needs Use Unit 18 when he is asking for 15 and 17. Mr. Jackere stated that he is amending the application to exclude 18 and that his list of exclusions would agree with that.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to allow Use Units 15 and 17 in a CS District under the provisions of Section 1680, and a Variance (Section 1217.3 (a, b) - Use Conditions- under the provisions of Use Units 15 and 17) to waive screening requirements from an abutting R District and a Variance to permit open air storage within 300' of an adjoining R District, with the following uses being excluded from the Use Units: Air Conditioning and Heating, Bait Shops, Bottled Gas, Fence, Greenhouse, retail sales, Hearing Equipment, Ice Plant, Lumber Yard, Model Homes (for display only), Plumbing Shop, Portable Storage Building, sales, Vending Machines, sales and services. Service Establishments: Building Services; disinfecting and exterminating services, janitorial service, and window cleaning. Contract Construction Service: Air conditioning, furnace cleaning, landscaping, plumbing, and sign painting. Personal Services: Auctioneer, cabinet maker, frozen food locker, kennel, linen supply and industrial laundry, packing and crating of household and other similar goods, rug cleaning, taxidermist, and woodworking shop. Repair Services: Armature rewinding service, household appliances, mattresses and pillows, reupholstry, and rug repair. Schools: Barber, beauty trade. 1216.1 Use Unit 16. GASOLINE SERVICE STATIONS - These uses will be limited to inside use only and no additional gas sales will be allowed. Sales: Aircraft sales, Board sales, Camper sales, Mobile Home sales, Motorcycle sales, Truck sales only excluded, unless incidental and in conjunction with automobile sales. Services: Auto-wash, Mini-storage, Overnight Campgrounds for Recreation Vehicles, Vehicle Repair and Service only excluded, unless incidental and in conjunction with automobile sales. Other Uses Excluded: Drive-In Restaurant, Billiard Parlor, Bowling Alley, Dance Hall, Night Club, Rifle Range (enclosed), Skating Rink (enclosed), Slot Car Track, and Tavern, subject to the variance applying only to automobile sales,

Case No. 13221 (continued)

and subject to any construction on the site being approved by the City Hydrology Department prior to a Zoning Clearance Permit, on the following described property:

A tract of land in the North-Half (N/2) of the Northeast Quarter (NE/4) of Section 25, Township 19 North, Range 13 East, Indian Base and Meridian, Said Tract being a portion of Lot One (1), Block Seven (7), Alexander Trust Addition Amended, an addition to Tulsa, Tulsa County, Oklahoma, more particularly described as follows: Commencing at the Northeast Corner of Section 25, Township 19 North, Range 13 East, Said Corner being located at the intersection of East 41st Street and Mingo Road; thence due West a distance of 1,930.91 feet; thence due South a distance of 50.00 feet to the point of beginning; thence South 05°-51'-26" West a distance of 0.00 feet; thence along a curve to the right having a radius of 245.00 feet and a length of 213.09 feet; thence along a curve to the left having a radius of 350.00 feet and a length of 168.98 feet; thence Northwesterly along the North Right-of-way line of Broken Arrow Expressway, Said Right-of-Way line having a calculated bearing of North 67°-01'-56" West a distance of 501.29 feet; thence due North a distance of 106.45 feet; thence due East a distance of 678.71 feet to the point of beginning, containing 3.04 acres, more or less.

Case No. 13222

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request for an exception to allow a cultural center in an RM-1 District under the provisions of Section 1680, located north of the NW corner of Peoria Avenue and Zion Place.

Presentation:

The applicant, Edward McDonald, 853 East 52nd Place North, was present.

Comments and Questions:

Mr. Gardner noted that the tract is relatively small. They have to meet certain Code requirements for this which they do not meet. They will have to advertise for a variance. The Board does not have jurisdiction to do all that needs to be done at this meeting.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to continue Case No. 13222 to the August 9, 1984, meeting to allow time to readvertise.



Case No. 13223

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request for a variance of the required 30' frontage on a dedicated street to permit a lot split on a private street in an RS-1 District under the provisions of Section 1670, located north and east of the NE corner of 21st Street and 177th East Avenue.

Presentation:

Reese Brooks, 718 Winter Lane, Claremore, requested a lot split on 2-1/2 acres that was previously split in 1965. Access is gained by means of a private driveway. He submitted a plat (Exhibit "G-1").

Comments and Questions:

Mr. Smith asked Mr. Brooks if he has an access easement. Mr. Brooks informed the only records are 20-foot easements on some warranty deeds.

Mr. Victor asked what the TMAPC's action was. He was told that TMAPC recommended approval with a permanent access easement. The applicant stated that the easement on the south line should be investigated to see if it could be decreased.

Protestants: None.

Interested Party:

Inola Collins, 18343 East 21st Street, is the owner of five acres which adjoins the 2-1/2 acres. She wants to purchase the property, and informed the land will be used for pasturing horses. There will be no building permits applied for at this time and there will be no utilities added on to this piece of property.

Comments:

Mr. Clugston asked how the lot is split. He was informed it is split north and south. Mr. Gardner stated that it would not meet frontage requirements so the applicant is asking for the variance. The Planning Commission made it a condition that they have an access easement for everyone's benefit.

Mr. Gardner informed that all pieces of property should have access easements to a dedicated street.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve a Variance (Section 207 - Street Frontage Required - under the provisions of Use Unit 1206) of the required 30' frontage on a dedicated street to permit a lot split (L-16216) on a private street in an RS-1 District under the provisions of Section 1670, with the condition that the access road be finalized and recorded as a mutual access easement, on the following described property:

The NE/4, SE/4, SW/4 and E/2, NW/4, SE/4, SW/4 of Section 12, Township 19 North, Range 14 East, City of Tulsa, Tulsa County, Oklahoma.

Action Requested:

Appeal from the Building Inspector for rescinding a permit to allow a sign in a CS District.

Variance - Section 1221.5 (d) - Business Signs and Outdoor Advertising- Request for a variance of the permitted sign display area from 210 sq. ft. to 288 sq. ft. in a CS District under the provisions of Section 1670, located at the NW corner of 11th Street and 132nd East Avenue.

Presentation:

Omni Outdoor Advertising was represented by Hal Stevenson, 2816 East 51st Street, Suite No. 210, who stated they were issued a permit for a sign. The maps showed that this was zoned CH. It was later found that the property was zoned CS. By this time, the structure was under construction. The CS District would allow a 210 (10 x 21) sq. ft. sign. His sign is 288 sq. ft. They do not build the smaller size sign. They do not feel that they should be penalized for a mistake that the maps made.

Comments and Questions:

Mr. Chappelle stated there is a question as to the total allowable signage. Mr. Jackere advised how the Building Inspector Department reached the conclusion of what can be built on the property.

Protestants: None.

Interested Party:

Paul Sands, Sign Inspector, City of Tulsa, stated he did issue the permit for the sign. This permit was issued in error because his map was wrong. He informed Omni on June 1, 1984, that the permit was rescinded. They could build a CS District size sign. He described what CS permits.

Comments and Questions:

Mr. Jackere asked what the application was for and was informed that it was for a 12' x 24' sign (288 sq. ft.).

The applicant informed he only had the pole up when he found out about the error. Discussion followed as to why there was a permit issued before the record search.

Mr. Jackere stated that the issues raised by the applicant relate to a financial hardship which needs to be taken somewhere else. This Board cannot consider financial hardships alone. A mistake does not authorize the issuance of that permit.

Rebuttal:

Mr. Stevenson said that for the sign to be removed, it would take away from his business. They are asking for a variance from 210' to 288'.

Comments and Questions:

Mr. Jackere said the official maps show CS.

Mr. Gardner said the Official Zoning Maps are kept at INCOG offices. The other maps are merely an aid and not official. They are updated

only once a year. The Official Maps are updated daily.

Mr. Clugston stated there is a question about the time of the notification. The applicant said the sign was under construction.

Mr. Gardner asked if a Building Permit was required for construction of the pole portion of the sign, and the applicant said the permit issued for the sign includes the pole.

Mr. Jackere said there are other remedies available to the applicant should the Board deny his request.

Mr. Clugston asked if the owner of the business could erect a larger sign later on if this request was granted.

The applicant said he does not see that the public interest would be violated by approval of this.

Mr. Gardner said there was a similar situation at Harvard Avenue and the Broken Arrow Expressway where the owner could have a billboard and a wall sign but not two freestanding signs. This owner has the same choice. There was discussion about the different types of signs.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to uphold the Building Inspector's order to rescind a permit to allow a sign in a CS District.

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 1-3-0 (Clugston, "aye"; Chappelle, Smith, Victor, "nay"; no "abstentions"; Purser, "absent") to approve\* a Variance (Section 1221.5 (d) - Business Signs and Outdoor Advertising) of the permitted sign display from 210 sq. ft. to 288 sq. ft. in a CS District under the provisions of Section 1670, on the following described property:

Begin 50' North and 15' West of the SE corner of W/2, of E/2, of SW/4, of SW/4; North 310', West 191.2', South 260', South-easterly to a point; East 165.08' to the Point of Beginning in Section 4, Township 19 North, Range 14 East, City of Tulsa, Tulsa County, Oklahoma.

\*This application is DENIED due to the lack of three affirmative votes which are necessary to approve an application.

Additional Discussion:

The applicant asked the Board's reasons for denial. Mr. Victor said this Board has a very narrow definition of hardship under which to operate.

Mr. Smith said if it came as a new case, he would not support it.

The applicant asked if they opposed the variance because they felt they should not make the decision. Mr. Jackere said the applicant has the burden to show that there is something unique about this piece of property that deserves this relief. Mr. Gardner stated for

Case No. 13224 (continued)

the applicant's benefit that Mr. Jackere did not say that he had a hardship, he said the Board had jurisdiction to approve the application if they found the applicant had a hardship under the terms of the Code.

Case No. 13225

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1211 - Request for a use variance to continue the use of a residence and an office in an RS-3 District under the provisions of Section 1670, located East of the SE corner of Xanthus Avenue and 14th Street.

Presentation:

Mr. James M. Ogle, 2644 East 14th Place, submitted a plat (Exhibit "H-1") and informed this dwelling at 2016 East 14th Street is directly across from the entry ramp to the Broken Arrow Expressway. He submitted several photographs (Exhibit "H-2") and described them. He described other uses in the area. He read a letter describing what has happened on this property (Exhibit "H-3"). He wants to continue his business on this tract until he can merge his business or sell the property. He would like temporary continued use. He has one full-time employee and one part-time employee. People usually do not come to the premises. The business is usually handled outside of the office or on the telephone so they do not have a parking problem. They have parked on the street occasionally. Mr. Ogle informed they generate less traffic than when he had teenagers at home. This is not a normal street. He submitted four letters from people on 14th Street who do not oppose this--two of them are from people on the immediate east and west (Exhibit "H-4"). Three of the people who signed a protest petition felt that other uses could come in if this were approved.

Comments and Questions:

Mr. Victor asked what other kinds of offices are in the area and was informed one is a church office and the other is a CPA bookkeeping office. Mr. Victor asked what makes this different from a Home Occupation and he was informed the difference is the employees.

Mr. Clugston asked the applicant if he has a sign, and Mr. Ogle informed that he has a sign. He informed he is no longer using the structure as a residence.

Protestant:

There were several protest letters submitted (Exhibit "H-5").

Martha Gregory, 1419 South Zunis Avenue, who lives one block from the subject tract submitted a petition of 55 signatures of people who oppose this (Exhibit "H-6"). All reside within three blocks of the property. They oppose this because: (1) The street now is not conducive for an office. It is in the middle of the block. There is no street parking at all. She submitted some photographs (Exhibit "H-7"). She was concerned how the applicant would meet the parking requirement. (2) The variance is inconsistent with the Zoning Code and the Comprehensive Plan. This is a relatively stable neighborhood.

Case No. 13225 (continued)

She described requests that have been denied for rezoning or adjustments in the area. Allowing this would be inconsistent with the direction the Board and Commission have taken. (3) This has been designated for low interest redevelopment loans. It should continue to be RS-3. (4) This applicant cannot show a hardship in this case. (5) Office use could adversely affect reselling the property as a whole. (6) The Zoning Code makes no provision for office use in an RS-3 District.

Rebuttal:

Mr. Ogle informed they have no need for off-street parking and do not want any. The neighbors let them use their driveway. It is a hardship for him to have to move within a short period of time. He does not want this to be a permanent thing--just a temporary use variance. The entire building is not used as an office.

Mr. Clugston asked what prompted the request and was informed that someone notified the Building Inspector that there was an office use in the residential area.

Mr. Victor informed he does not feel that a hardship has been shown.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Use Variance (Section 410 - Principal Uses Permitted in the Residential Districts - under the provisions of Use Unit 1211) to continue the use of a residence and an office in an RS-3 District under the provisions of Section 1670, on the following described property:

Lot 5, Block 1, Addition of part of Block 5, Terrace Drive,  
an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13227

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 440.6 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of 1-year time limitation for a mobile home to 10 years.

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

Presentation:

The applicant Norma Shrader, 2140 North Delaware Place, was not present.

Protestants:

There were protestants present. They informed that the mobile home is not existing. They were told that the applicant wanted to put

Case No. 13227 (continued)

the mobile home up against the back of the house. A protest petition was submitted (Exhibit "I-1").

Comments and Questions:

Mr. Jackere said the applicant is supposed to be present.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY without prejudice 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, a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements) of the 1-year time limitation for a mobile home to 10 years, and a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - under the provisions of Use Unit 1209) to permit two dwellings per lot of record (1 mobile home, 1 home) on the following described property:

The E/2 of the N/2 of Lot 2, Block 10, City View Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13228

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1211 - Request for an exception to allow office use in an RM-2 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 setback from the centerline of 51st Street from 100' to 75' and the setback from an abutting R District from 35' to 10' to permit construction of an office building, located north of East 51st Street and Atlanta Place.

Presentation:

Tom Kelly, 4619 South Harvard Avenue, submitted a set of plans (Exhibit "J-1") and informed he is proposing to buy all of the subject tract. This lot just recently was granted a lot split. The owner has agreed to create a lot split for tract B. The hardship is that the owner wants his tract to remain RM-2. He described other uses in the area. They would like to have an OM Office use. He described their hardship. The water line is on the south side of 51st Street.

Comments and Questions:

Mr. Gardner asked how close the apartments to the east on 51st St. are to the center of the street. He was informed that they are closer than what he is proposing.

Ms. Hubbard said he might qualify for setback averaging.

Protestants: None.

Case No. 13228 (continued)

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve per plot plan and drawings submitted, a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - under the provisions of Use Unit 1211) to allow office use in an RM-2 District under the provisions of Section 1680, and a Variance (Section 630 - Bulk and Area Requirements in the Office District - under the provisions of Use Unit 1211) of the setback from the centerline of 51st Street from 100' to 75' and the setback from an abutting R District from 35' to 10' to permit construction of an office building per plot plan and drawings submitted, on the following described property:

A tract of land, containing 37,632 square feet, that is all of that part of the East 4 acres of the SE/4 of the SW/4 of the SW/4 of Section 29, Township 19 North, Range 13 East, lying south of Skelly Bypass, LESS the South 30 feet of the East 264 feet of the SW/4 of the SW/4, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, Said Tract of land being more particularly described as follows, to wit:

BEGINNING AT A POINT that is the Southeast corner of the SW/4 of the SW/4 of Said Section 29; thence North 00°-01'-57" East to the POINT OF BEGINNING of Said Tract of land; thence due West and parallel to the Southerly line of Section 29 for 264.28'; thence North 00°-01'-57" East for 187.00' to a point on the Southerly Right-of-Way line of Skelly Bypass; thence South 74°-51'-00" East and along Said Southerly Right-of-Way line for 124.45'; thence South 00°-01'-57" West and along Said Right-of-Way line for 22.00'; thence South 79°-14'-00" East and continuing along Said Right-of-Way line for 146.70' to a point on the Easterly line of the SW/4 of the SW/4; thence South 00°-01'-57" West and along Said Easterly line for 105.07' to the Point of Beginning of Said Tract of land, except and less the west 100' thereof.

Case No. 13229

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request for an exception for a home occupation to permit a beauty shop in an RS-3 District under the provisions of Section 1680, located at the NE corner of 37th Street and 32nd West Avenue.

Presentation:

The applicant, Connie Boyce, 3123 West 37th Street, informed she would like to have a small beauty shop in her home. This operation will be in a room in the rear of her house which is the width of the back of the house. It is on a dead-end street so there is not much traffic.

Protestants: None.

Comments and Questions:

Mr. Victor asked how many customers a day she will have and she informed there will be no more than five during a day. She will work

Case No. 13229 (continued)

by herself.

Mr. Victor asked how many cars she can park on her driveway or on the street. She informed that she does have adequate parking.

Mr. Victor asked what the hours of operation will be and Ms. Boyce informed she would like to leave that open (9:00 a.m. to 8:00 p.m., Monday through Saturday).

Mr. Victor asked Ms. Boyce if she has some customers that she is anticipating to bring with her and she said no, she will have to build the business.

Ms. Boyce got a list of Home Occupation Rules from the Staff.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to approve the application with hours of operation from 9:00 a.m. to 8:00 p.m., Monday through Saturday, with a maximum of six customers a day, and to comply with the rules and regulations of Home Occupation Guidelines.

A Special Exception (Section 420 - Accessory Uses in Residential Districts - under the provisions of Use Unit 1206) for a home occupation to permit a beauty shop in an RS-3 District under the provisions of Section 1680, with the hours of operation being Monday through Saturday from 9:00 a.m. to 8:00 p.m., with a maximum of six customers a day, subject to the rules and regulations of the Home Occupation Guidelines, on the following described property:

The West 70 feet of Lot 4, Block 9, Original Town of Red Fork, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13230

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 440.6 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request for a variance of the 1-year time limitation for a mobile home to permanently, located south of the SE corner of 4th Street and 38th West Avenue.

Presentation:

Virginia Ann Cole, 1127 North Darlington Place, informed she has a mobile home which she would like to move onto the subject tract. She would like to purchase this property. The contract is contingent upon the approval of this variance. She submitted 4 photographs of the mobile home (Exhibit "K-1"). The property is vacant now. The home is a 1983, 14' x 80' model. She described the mobile home. She submitted a plot plan (Exhibit "K-2").



Case No. 13230 (continued)

Comments and Questions:

Mr. Smith asked if 38th West Avenue is a dead-end street, and Ms. Cole informed that it is not.

Mr. Victor asked what the hardship would be for the variance of the time limit, and Ms. Cole informed she would like to keep it there permanently. She was informed that very rarely does the Board grant a permanent variance on the first approval unless there is something unique about the situation.

Mr. Smith asked if there were a lot of mobile homes in the area. Ms. Cole informed there is one on 39th West Avenue. There are also some mobile homes four or five blocks to the east of the subject tract. Ms. Cole described the locations of other mobile homes in the area.

Ms. Cole informed the mobile home will be on a sewer. There are no other vacant lots around this one.

Protestants:

Ed Crowley, 423 South 37th West Avenue, said there have never been any mobile homes allowed in this neighborhood. He submitted a petition of protest (Exhibit "K-3"). Everyone they contacted is against any mobile homes being allowed because they feel it will detract from the neighborhood. They are concerned about a precedent this could set.

Interested Party:

Nick Revard, 416 South 37th West Avenue, stated the subject tract is behind his property. He thinks this would be an improvement to the neighborhood.

Protestant:

Loraine Gilliam, 419 South 38th West Avenue, lives south of the subject tract. They do not want the mobile home moved in there.

Olin Gilliam, 419 South 38th West Avenue, stated this is a residential tract, and if people want to live in mobile homes they should live in a mobile home park.

Eula Bernard, 3722 West 4th Street, stated she does not want a trailer on the subject tract. She informed there is talk of the rental places being moved out. There is a variance on the trailer on 39th. A mobile home is to be tagged--that is not a permanent residence in her opinion. She is concerned that a mobile home would bring down the value of their homes. This is a very small lot--75' x 150'.

Rebuttal:

Ms. Cole said that mobile homes are better than they used to be, and she plans for this to be her permanent residence.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to approve a Special Exception (Section

Case No. 13230 (continued)

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, and to DENY a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements - under the provisions of Use Unit 1209) of the 1-year time limitation for a mobile home (not permanent), subject to the Health Department approval with removal bond required, on the following described property:

Lot 10, and the N/2 of Lot 9, Sherwood Place, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13231

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1225 - Request for an exception to permit sign manufacturing in a CH District under the provisions of Section 1680, located at the NE corner of Oxford and Tecumseh Avenue.

Presentation:

Howard H. Barnes, 5119 East Haskell Place, stated this is a metal building. He described the other uses in the area. He has operated the sign shop because he could not get a job. He does not intend to have a huge operation — he could not in the 30' x 40' building. The building has no windows.

Comments and Questions:

There was discussion about the proximity of the operation to residences in the area.

Ms. Hubbard, Building Inspector, described why the applicant's application was denied by the Building Inspection's Department.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - under the provisions of Use Unit 1225) to permit sign manufacturing in a CH District under the provisions of Section 1680, on the following described property:

Lot 4, Block 1, Houston Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13232

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in a Residential District - Use Unit 1209 - Request for a special exception to permit a mobile home in an RS-3 District under the provisions of Section 1680, located north of the NW corner of 25th West Avenue and Young Street.

Case No. 13232 (continued)

Presentation:

Mary Jane Green, 6603 East 79th Street, stated that she would like to put a mobile home on the property while they are building a residence. This is at least half a mile north of Apache Street. The nearest neighbor is about 1,200 feet south of the location. The property is cleared. The mobile home would be seen only by one resident. It will be on a septic system. Gilcrease Hills owns part of the land.

Interested Party: There was an interested party present at the meeting.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in a Residential District - under the provisions of Use Unit 1209) to permit a mobile home in an RS-3 District under the provisions of Section 1680, subject to the Health Department approval with a one-year removal bond required, on the following described property:

The Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of Section 21, Township 20 North, Range 12 East, of the I.B.M., Osage County, Oklahoma, being more particularly described as follows: Beginning at the Northeast Corner of Said NE/4, NE/4, SE/4; thence South 87°-46'-51" West a distance of 645.99 feet; thence South 0°-12'-31" East a distance of 658.42 feet; thence North 87°-48'-05" East a distance of 645.64 feet; thence North 0°-10'-44" West a distance of 658.66 feet to the point of beginning, containing 9.757 acres, more or less, and subject to a 10-foot Road Easement along the South line of the property described above.

Case No. 13233

Action Requested:

Special Exception - Section 410 - Permitted Uses in the Residential Districts - Use Unit 1209 - Request for a special exception to allow a mobile home in an RS-3 District.

Variance - Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the 1-year time limitation to permanent, located south of the SE corner of 36th Street and Galveston Avenue.

Presentation:

Linda Prince, 3617 South Galveston Avenue, stated this mobile home was approved for one-year and they would now like it for a longer period of time. The mobile home is skirted, and there are other mobile homes in the neighborhood. One was just moved in across the street recently.

Protestants: None.

Case No. 13233 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to approve a Special Exception (Section 410 - Permitted Uses in the Residential Districts - under the provisions of Use Unit 1209) to allow a mobile home in an RS-3 District, and a Variance (Section 440.6 (a) - Special Exception Uses in Residential Districts, Requirements) of the 1-year time limitation to allow it to be permanent, on the following described property:

Lot 16, and 17, Block 1, Garden City Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13234

Action Requested:

Use Variance - Section 810 - Principal Uses Permitted in Corridor Districts - Use Unit 1221 - Request for a use variance to permit an existing outdoor advertising sign to be rebuilt, reduced, and structurally updated in a CO District under the provisions of Section 1670, located east of the NE corner of Broken Arrow Expressway and Garnett Road.

Presentation:

Stokely Outdoor Advertising was represented by Bill Stokely, 7242 East 38th Street, who submitted 3 pictures of the sign as it currently exists (Exhibit "L-1"). The existing sign is 930 sq. ft. in size and is supported by 18 poles. They want to reduce the sign and make it 672 sq. ft. They want to reduce the poles from 18 to one single pole. They want to update it and make it look cleaner.

Protestants: None.

Comments:

Mr. Gardner informed when the property was zoned Corridor, the sign became nonconforming. They are not permitted as a matter of right in this district. The Staff would be concerned that the Board should make it a condition that it would have to be removed when the area starts to develop. The signs have a tendency to become permanent. He asked how tall the sign will be and was informed it will be 30' tall. Mr. Stokely said he only has a month-to-month lease situation. This is very valuable property.

Mr. Jackere said it sounds like a sizeable investment. Mr. Stokely said the sign he just rebuilt at 51st and Yale is now sitting in his backyard doing nothing.

There was discussion about signs the Board denied near this location.

Mr. Stokely informed the existing sign is about 22 feet high, 62' x 19'. The new sign will be 14' x 48' which is 258 sq. ft. smaller.

Mr. Gardner said if there are no signs out there in the area at all, he does not know what the hardship would be. If the Board approves it, it should be tied to the fact that when the property develops it will no longer be a permitted permanent use.

Case No. 13234 (continued)

Mr. Gardner informed that if any Building Permits are applied for on the property, the applicant needs to come back.

Mr. Jackere asked how long the current structure could remain? Mr. Stokely informed it could stand another 30 years. Mr. Jackere stated that what is unusual is that the property is zoned C0 and has a sign on it. He thinks that is peculiar enough that it will not set a precedent if approved.

Mr. Gardner described other cases concerning signs. Mr. Stokely will be decreasing the nonconformity as to size of sign if approved.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 2-1-0 (Chappelle, Smith, "aye"; Victor, "nay"; no "abstentions"; Clugston, Purser, "absent") to approve\* a Use Variance (Section 810 - Principal Uses Permitted in Corridor Districts - under the provisions of Use Unit 1221) to permit an existing outdoor advertising sign to be built, reduced, and structurally updated in a C0 District under the provisions of Section 1670, with the condition that if any Building Permits are issued for the site, the applicant will have to remove the sign or seek approval from this Board, and subject to the applicant removing the existing sign and replacing it with a smaller sign 14' x 48' (30 feet maximum height), on the following described property:

The Southwest Quarter of Section 29, Township 19 North, Range 14 East, lying north of the Broken Arrow Expressway, City of Tulsa, Tulsa County, Oklahoma.

\*The application is denied due to the lack of three affirmative votes.

Case No. 13235

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1215 - Request for a special exception to allow a home occupation (kennel) in an RS-3 District, located north of the NE corner of Xyler Avenue and Atlanta Place.

Presentation:

Gloria Jones, 2323 North Atlanta Place, informed she would like to have a kennel license for six dogs. She described the kind and ages of the dogs. The next door neighbor has four dogs. She is before the Board because one of her neighbors was bitten. She keeps her yard clean and she will not replace the dogs when they die. Her lot is 100' x 100'. She submitted a photograph of a dog (Exhibit "M-1").

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - under the provisions of Use Unit 1215) to allow a home occupation (kennel) in an RS-3 District, subject to the applicant not getting any more dogs or increasing

Case No. 13235 (continued)

the number of dogs over six and subject to the applicant not getting any more dogs when they die until she is at the legal limit of three, on the following described property:

Lot 42 and Lot 43, Block 5, Tulsa Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13236

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in a Residential District - Use Unit 1202 - Request for an exception to permit a home occupation for the installation of car alarms in an RS-2 District, under the provisions of Section 1680, located at the SW corner of 3rd Street and Darlington Avenue.

Presentation:

The applicant Gary Holder, 5148 East 3rd Street, informed he would like to operate a small business in his home. Many people in his neighborhood do operate a small business in their home. He installs car alarms and works as a subcontractor for some of the large security companies. He is away from home a lot of the time. He does not have any signs on the property saying that he has a business there. He has been there about 2-1/2 years, and he averages installations on about three cars a week. He has a double-wide driveway which will accommodate six vehicles. He does the work in the garage. No one has ever complained to him personally that it disturbs them. He submitted a petition in support of this application (Exhibit "N-1"). He had a complaint filed against him.

Comments and Questions:

Mr. Victor asked the applicant if he has to test the alarms he installs and Mr. Holder informed that he does. The main alarm that he puts in is 116 decibals which is louder than a police horn. He tests them inside the garage.

Mr. Victor asked how late the applicant works at night. The applicant said he usually does not work later than 6:00 p.m. Sometimes he has had to work late, but he does not test the alarms late at night. Some people may complain because his alarm went off in his van and did not reset.

Protestants:

Mrs. Adam Harkness, 503 East 3rd Street, stated that Mr. Holder started work at 7:00 a.m. and goes on until 11:00 p.m. He advertises on the radio and had a sign at his house. He advertises in the phone book as well. She has seen them work in the driveway. She submitted a protest petition (Exhibit "N-2").

Mrs. Cary Becton, 5049 East 3rd Street, stated that since the inspector came out, he has tested the alarms in the garage but before that he tested them outside. He has had as many as five cars on the street and four in his driveway. She has heard alarms tested at 6:00 a.m. & at 11:00 p.m. This is a hazard to their health because they cannot sleep. The traffic has caused a hazard as well. This is strictly a residentially zoned area. She submitted 3 pictures of her house (Exhibit "N-3"). She informed Mr. Holder has had an employee. She would like

Case No. 13236 (continued)

him to move the business.

Beatrice Jones, 5307 East 3rd Street, lives directly across the street from the subject tract. She is concerned because this is a traffic hazard. They want to keep the area residential.

Cary Becton, 5049 East 3rd Street, says this is a noisy business. They do not choose when the noise is there. The business does create traffic problems.

Applicant's Rebuttal:

Mr. Holder informed he took his signs down. He is parking vehicles in the driveway. The average of car alarm installations is low because it is a seasonal-type business. They have tested the alarms outside, but now they are tested in the garage. The garage door has been insulated. He has done what he could to cope with the problems. He would like to move to a shop when he can in about nine months to about a year. He does have a slight hardship. He advertises a little bit and most of his business comes from the yellow pages. He informed the business was closed down on July 23, 1984.

Comments:

Mr. Victor informed he thinks this is not in character with the general intent of the Home Occupation Guidelines. The business has grown.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to DENY a Special Exception (Section 420 - Accessory Uses Permitted in a Residential District - under the provisions of Use Unit 1202) to permit a home occupation for the installation of car alarms in an RS-2 District, under the provisions of Section 1680, on the following described property:

The East 80' of Lot 1, Block 8, White City Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

OTHER BUSINESS:

Case No. 13226

Action Requested:

Request to withdraw Case No. 13226 and receive a refund of the \$75 filing fee.

Presentation:

The applicant, Tomorrow Builders, Inc., 3619 South 124th East Avenue, requested by letter (Exhibit "0-1") that this case be withdrawn and that the filing fee be refunded.

Protestants: None.

Comments:

The Staff informed that no work has been done on this application.

Case No. 13226 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston Purser, "absent") to withdraw Case No. 13226 and refund the \$75.00 filing fee to the applicant.

There being no further business, the Chair declared the meeting adjourned at 4:42 p.m.

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

*8/23/84*

*Adrian M. Smith*  
\_\_\_\_\_  
Chairman