

CITY BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 419  
Thursday, August 9, 1984, 1:00 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, August 7, 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 1:15 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve the Minutes of June 28, 1984, (No. 416).

UNFINISHED BUSINESS:

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 District, located at the NE corner of 22nd Street and Riverside Drive.

Presentation:

The applicant, Ronda Davis, 10 East 3rd Street, was not present. Mr. Gardner informed this property is still in litigation.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case #13202 to the August 23, 1984, meeting.

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, and a

Variance - Section 440.7 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the lot area from 10,000 sq. ft. to 7,150 sq. ft., lot width from 100' to 55' and of the 25' setback from abutting properties, located north of the NW corner of Peoria Avenue and Zion Place.

Presentation:

Edward McDonald, 2526 North Peoria Avenue, informed he is the chairman of this Black Community Center. They have permission from the property owner to use the subject tract for the center. He stated that: (1) They have nothing to sell, and (2) they give free information and operate by free-will gifts and donations. They do not feel they are creating a hazard to the community. Most of the work is done on the phone or in writing. He described the nature of the operation. They are presently in operation. They do have two signs out in the yard for the center. He described the two signs.

Comments and Questions:

Mr. Jackere asked what the other part of the house is used for and the applicant informed it is used for a residence.

Mr. Victor asked how much of the house is used for the Cultural Center and he was informed that they use three rooms.

Mr. Victor asked how many people come to the center during a day and Mr. McDonald informed there are about 20 a month. Most of the people come on weekends. They have adequate off-street parking in the back-yard for 15 cars.

Mr. McDonald informed this is a non-profit organization, but they do not have a charter.

Mr. Jackere asked how many employees the center has and he informed there is only one volunteer employee.

Mr. Victor asked if they have meetings at the tract and Mr. McDonald said, "not really."

Mr. Smith asked if Mr. McDonald had talked to the neighbors and the applicant told about the complaints they have had from people. None of the complainers have ever visited this facility. They have made a lot of improvements on the property, but there is still more to be done.

Mr. Victor asked if the variances for the setbacks are for the existing structure, and he was informed that they are.

Mr. Gardner informed there may be residences on both sides and in the back of the tract. The Board needs to be sure this will be compatible with what is in the area.

Interested Party:

Mr. Eugene E. Johnson, 2626 North Peoria Avenue, owns the subject tract. Their goal was to do something good for the community. He described what activity was on the subject tract.

Protestants:

A protest petition was submitted (Exhibit "A-1").

Kathryn Williams, 2530 North Peoria Avenue, lives next door to the subject tract. She was concerned about the appearance of the tract and about people parking in her yard.

Mr. Essie Keyes, 2518 North Peoria Avenue, lives two houses south of the subject tract. He informed this is a residential area, and they want this moved out. This looks like a business.

Dora Brown, 2522 North Peoria Avenue, wants the applicant to keep their tract clean. She does not approve of the Culture Center.

Fred Worthem, 2507 North Peoria Avenue, lives just across the street from the subject tract. This is a residential area, and they do not want this operation in it.

Rebuttal:

Mr. McDonald informed the protestants are against the good of this project. He informed the center's purpose is not to destroy the community, but to do good.

Comments:

Mr. Victor asked if this was the first time the applicant has had discussion with these property owners, and Mr. McDonald informed the neighbors will not come by the center.

Mr. Gardner informed the basis upon which the Board will judge this is whether this house appears to be a business in a residential area. If it can be carried on and be compatible with the area, then it may be appropriate. It appears to be a business in a residential area.

Mr. Victor thinks the applicant's goals are worthwhile but feels the adjacent homeowners should be protected. He wonders if this could meet the requirements of a Home Occupation. He described the requirements of a Home Occupation exception and asked if this could be operated under those restrictions.

Mr. Jackere informed there is an employee, and the occupant is unrelated to the business.

Mr. Clugston informed he has not heard as much against the concept of the business as against the way the place has been kept up.

Mr. Jackere reminded the Board that the Code allows cultural centers in residential areas, but makes requirements that must be met. He described these requirements.

Case No. 13222 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - under the provisions of Use Unit 1205) to allow a cultural center in an RM-1 district under the provisions of Section 1680, and a Variance (Section 440.7 - Special Exception Uses in Residential Districts, Requirements) of the lot area from 10,000 sq. ft. to 7,150 sq. ft., lot width from 100' to 55' and of the 25' setback from abutting properties, on the following described property:

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

MINOR VARIANCES AND EXCEPTIONS

Case No. 13256

Action Requested:

Variance - Section 280 - Structure Setback From Abutting Streets - Request for a variance of the 50' setback to 40' to permit the erection of a pole sign (change existing sign) in a CH district under the provisions of Section 1670, located at the SE corner of Braden and 11th Street.

Presentation:

Ray Torabi, Craig Neon, Inc., 1889 North 105th East Avenue, informed this proposed sign will be located where a sign was located about five years ago. He submitted two pictures (Exhibit "B-1") and described them. He submitted a drawing of the new sign (Exhibit "B-2") and told what it will be like and where it will be located. There is a portable sign on the property at this time.

Protestants: None.

Comments:

The Staff informed that approval of this would be subject to a removal contract.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Variance (Section 280 - Structure Setback From Abutting Streets) of the 50' setback to 40' to permit the erection of a pole sign (change existing sign) in a CH district under the provisions of Section 1670, subject to the execution and filing of a removal contract with the City, on the following described property:

The North 197 feet of Lot 2, Crowell Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

## NEW APPLICATIONS

Case No. 13237

### Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agricultural District - Use Unit 1209 - Request for an exception to allow a mobile home in an AG district under the provisions of Section 1680, located 1/2 mile north of the NW corner of 51st Street and 177th East Avenue.

### Presentation:

Mr. Bob Barnett, 4522 South 177th East Avenue, informed there was a mobile home on the lot that was blown away by a tornado. He would just like to replace the mobile home.

### Comments and Questions:

Mr. Smith informed a mobile home was permitted on the property until a home could be built on the tract in three to five years. The applicant informed that the previous applicant built that home.

### Protestants:

Israel Cohen, 7744 South Evanston, felt the granting of this would deteriorate the value of their property. He does not think there are any other mobile homes in the area. When the other mobile home was permitted, it was for temporary use.

### Comments and Questions:

The applicant informed he would like to have temporary use as well.

Mr. Gardner informed if the Board approved it as advertised, it would be permanent. They could, however, limit it for a specific number of years.

Mr. Cohen informed he would not oppose this if it were for temporary use.

Mrs. Eugene Cohen, 3210 South Delaware Place, informed she does not believe this would be good for the neighborhood and is afraid it would devalue her property. She owns property near the subject tract.

### Board Action:

Mr. Victor made a motion to approve this for a period of three years subject to Health Department approval. The motion died for the lack of a second.

Mr. Gardner informed this lot has less than 200 feet of frontage. He suggested the application be kept alive to possibly advertise for additional relief if the Board approves a mobile home use. The applicant will need a variance of the frontage.

Mr. Jackere informed that the Board could approve it subject to the approval of the variance of the frontage. He suggested that the case just be continued.

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case No. 13237 to the August 23, 1984, meeting to allow time for readvertisement for the variance of the frontage.

8.9.84:419(5)

Case No. 13238

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request for an exception to allow an addition to an existing church in an RS-3 District under the provisions of Section 1680, located north of the NW corner of 28th Street North and Garrison Avenue.

Presentation:

Verdell Crawford represented the Free Church of God in Christ, 2828 North Garrison Avenue. He told how long the church has been on the subject tract and informed the church building is a converted residence and they would like to add on to it.

Comments and Questions:

There was discussion about whether church use was ever approved on the property.

Mr. Jackere thinks this request is inappropriate without the variance of the minimum lot size. He suggested it be continued to readvertise for the variance.

Protestants: None.

Interested Party:

Reverend Todd, Okmulgee, told of the procedures he has gone through in this case.

Comments:

Mr. Victor informed the applicants do not have enough land to be legal as a church. They need an additional variance.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case No. 13238 to August 23, 1984, meeting, to allow for advertisement of the proper variance.

Case No. 13239

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1208 - Request for a variance of the front setback from 25' to 18' and rear setback from 25' to 15' to allow construction of a dwelling in an OL District under the provisions of Section 1680, per plot plan, located at 48th Place and Yorktown Court.

Presentation:

The Kelsey Company was represented by Howard Kelsey, 8905 East 60th Street who submitted some amended plot plans (Exhibit "C-1") and explained them. This is a zero lot line single-family development. A precedent has already been set in the area. He presented a letter from an adjoining addition and some people in the subdivision which stated their approval of the preliminary plans. Previous setback variances were granted in the area from 25 feet to 23 feet. He described how these houses will line up with other structures in the area. This will not be detrimental to other properties in the area.

Case No. 13239 (continued)

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - under the provisions of Use Unit 1208) of the front setback from 25' to 18' and rear setback from 25' to 15' to allow construction of a dwelling in an OL district under the provisions of Section 1680, per plot plan, on the following described property:

Lot 10, Block 1, Bolewood Place, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13240

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request for an exception to allow a satellite receiver in a CH district under the provisions of Section 1680, located at the SE corner of Skelly Drive and Peoria Avenue.

Presentation:

The applicant, Shirley Robertson, 5222 South Quincy, informed they have a satellite dish mounted on the back side of their business. She submitted 2 pictures of the satellite dish (Exhibit "D-1") and informed it is located on the east side of the building. She also submitted a plot plan (Exhibit "D-2").

Comments and Questions:

Mr. Jackere informed that CH is the most unrestrictive commercial zoning district that there is. They could by right have a tall transmitter tower that would be out of character.

Mrs. Robertson informed the dish is made of mesh. They have had it mounted about 60 days. They got the dish mainly for sporting events. They receive the signal but do not transmit.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow a satellite receiver in a CH district under the provisions of Section 1680, on the following described property:

Beginning at a point 550 feet East of the Northwest corner of Section 31, Township 19 North, Range 13 East of the Indian Base and Meridian, in Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, running East 110 feet; thence South 880 feet; thence West 660 feet; thence North 330 feet; thence East 550 feet; thence North 550 feet to the place of beginning; and

Case No. 13240 (continued)

Beginning at a point 250 feet East of the Northwest corner of Section 31, Township 19 North, Range 13 East of the Indian Base and Meridian, in Tulsa County, State of Oklahoma, according to the United States Government Survey thereof; thence East along the centerline of 51st Street 300 feet; thence South 550 feet; thence West 550 feet; thence North along the centerline of Peoria Avenue 300 feet; thence East 250 feet; thence North 250 feet to the point of beginning.

Case No. 13241

Action Requested:

Variance - Section 204.2 (e) - Permitted Yard Obstructions - Request for a variance to allow an additional 1,200 sq. ft. to an existing 350 sq. ft. accessory building in an RS-1 district under the provisions of Section 1670, located east of the NE corner of 25th Place and Sheridan Road.

Presentation:

Richard Chillingsworth, 6547 East 25th Place, informed his hobby is restoring antique cars, and he would like to keep them on his property. On the property is a horse barn that he does not want to tear down. He informed he would be able to add this addition to the back of his house by right. He submitted three photographs of other large buildings in the neighborhood and described them (Exhibit "E-1"). This building will not be unusual compared to others in the neighborhood. He told how many cars he has in storage and on his lot.

Comments and Questions:

Mr. Victor asked the applicant if he restores cars for anyone else, and Mr. Chillingsworth informed that he does not.

Protestants: There were several protestants present.

Betty Wheaton, 6715 East 25th Place, was concerned about future uses that could be made of this building. No variance has ever been granted in this area. She read a letter of protest from John Van Gotten, 6548 East 24th Place. She also submitted a letter from her husband which was submitted in 1982, stating that the people did not want any variances granted at any time. She would rather the applicant do what he wants to do in a smaller building.

Comments:

Mr. Gardner informed that prior to 1970 there was not a special limitation on the size of accessory buildings.

Mr. Victor informed Mr. Chillingsworth this is a variance which requires that he show a hardship of the land. There was discussion about what the applicant can do by right.

Mr. Jackere informed the City Commission has said the addition to the house is appropriate, but the large accessory building is not. Mr. Jackere informed the size of the lot can be considered to be a hardship if it is unique.

Mr. Victor informed that the use should not be a consideration in this case--it should be the size of the building. Mr. Victor informed he



Case No. 13241 (continued)

would like to have a guideline to use in establishing what size building might be appropriate on larger lots.

Mr. Gardner described why 750 feet was determined to be appropriate as a customary accessory building.

Board Action:

On MOTION of VICTOR and SECOND by Clugston, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to DENY a variance (Section 204.2 (e) - Permitted Yard Obstructions) to allow an additional 1,200 sq. ft. to an existing 250 sq. ft. accessory building in an RS-1 zoned district under the provisions of Section 1670, on the following described property:

Lot 13, Block 4, Johansen Acres, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13242

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Use Unit 1206 - Request for a variance of the 50' setback from the centerline of 7th Street to 38' to permit an addition to an existing dwelling in an RS-3 district under the provisions of Section 1670, located at the NW corner of 7th Street and Louisville Avenue.

Presentation:

A. H. Sharp, 3621 East 7th Street, informed he would like to add two rooms onto the residence on the subject tract. The rooms will be added to the front. He submitted some surveys of what he is proposing and explained them (Exhibit "F-1"). He informed there are some carports on this street that extend out farther than is permitted. He described what the extension will be used for. The addition will be of the same construction as the existing structure. He does not believe this would depreciate his property in any way. He informed he has talked to his neighbors about this.

Protestants: None.

Comments:

Ms. Hubbard informed the plan has been revised to delete the bay windows.

Mr. Gardner informed the houses on the south side of 7th Street side onto 7th Street and are fairly close to the center of the street. The houses to the west meet a pretty standard setback. This is a corner lot.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - under the provisions of Use Unit 1206) of the 50' setback from the centerline of 7th Street to 38' to permit an addition to an existing dwelling

Case No. 13242 (continued)

in an RS-3 District under the provisions of Section 1670, per drawing submitted per deletion of bay windows because it is a corner lot, on the following described property:

Lot 11, Block 3, of the Amended Plat of Lots 9, 10, 11, and 12, Block 3, Lots 7, 8, 9, 10, 11, and 12, Block 4, Lots 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, Block 5, Braden Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

Case No. 13243

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request for a variance of the 50' setback from the centerline of 16th Street to 26' to permit a carport in an RS-3 district under the provisions of Section 1670, located at the NE corner of 16th Street and College Avenue.

Presentation:

Mr. Lester Whitely, 1547 South College Avenue, informed the carport is partially finished. He submitted a drawing (Exhibit "G-1") of the carport. He also submitted a letter from a neighbor who approves of this (Exhibit "G-2"). He does not want to degrade the neighborhood but wants to improve it. He informed there are other carports in the neighborhood that are closer to the street than his is.

Protestants:

Bob Radebaugh, 1608 South College Avenue, has four major concerns: (1) Maintaining the integrity of the community, (2) the economic impact of the building on the area--it will bring down values, (3) the disregard of codes and ordinances which are in place to protect the community, and (4) the health, safety and well-being of the people in the area. He further explained these four concerns. He read from an article from the TULSA WORLD. He informed he is concerned about a precedent this could set in the area. He read a letter from a property owner in the area which is opposed to this application because of a precedent it could set (Exhibit "G-3").

Wyona Radebaugh, 1608 South College Avenue, described the rights of the property owners in the area.

Roger D. Radebaugh, 1608 South College Avenue, submitted 7 photographs of what the carport looks like (Exhibit "G-4"). He would like the applicant to utilize the garage on the property.

B. E. Corner, 1607 South Evanston Avenue, agreed with what the other protestants said.

Dr. Chalres Webber, 1620 South College Avenue, agrees with what the other protestants said and pointed out that he is concerned about the stability of the structure.

Rebuttal:

Mr. Whitely informed his garage is not a two-car garage.

Case No. 13243 (continued)

Interested Party:

Mrs. Marilyn Whitely, 1547 South College Avenue, informed that they did not mean to do anything wrong--they just need a place to cover their car.

Comments:

Mr. Victor stated he sympathized with the applicant, but he feels quite confident that this would not have been granted by the Board before they started construction.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to DENY a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM districts under the provisions of Use Unit 1206) of the 50' setback from the centerline of 16th Street to 26' to permit a carport in an RS-3 district under the provisions of Section 1670, on the following described property:

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

Case No. 13244

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request for an exception to permit a home occupation (family counseling) in an RS-3 district under the provisions of Section 1680, located south of the SE corner of 55th Street and Wheeling Avenue.

Presentation:

Ms. Marian Kay Sigurdson, 4523 East 27th Street, submitted a floor plan of the residence she is wanting to build and described it. She informed that she sees approximately 15 people per week in her business. She would like to have an office in her house. She sees one person at a time and meets the requirements of the Home Occupation guidelines. She does not plan to keep unusual hours or generate a lot of noise.

Protestants:

Larry Bridges, 5529 South Wheeling, lives next door to the subject tract. He is concerned about the parking problem they have in the neighborhood and about drainage problems they have had. He is concerned that this could decrease his property values and is concerned about a precedent this could set in the area.

Bob Stephens, 1925 East 55th Place, asked what the law is on this type of thing. Mr. Jackere told him what the Code allows. Mr. Stephens wanted to know what kind of counseling the applicant would be doing. He was concerned about the parking in the area--any increase will be bad. He objects to any business being in the neighborhood.

Terry Stephens, 1925 East 55th Place, is concerned about her children's safety and her safety and that the operation would deteriorate the

value of her home. She objects to a business in the neighborhood and is concerned about parking problems in the area.

Bill Wiles, 1915 East 55th Place, objects to this use because this is an interior residential area--it is not on or near a major arterial street. He does not want office use in this area. He described Wheeling Avenue and told of the traffic problems. If the Board approves this, he would like some restrictions placed on it: (1) That the permission for the use would only be for the applicant and not run with the property, (2) that the applicant not be allowed to have group counseling sessions, (3) that there be no off-street parking, and (4) that there be no signs on the property to advertise the business.

Mimen Meitra, 1912 East 55th Place, is opposed to expanding the scope of the neighborhood beyond residential.

Teresa Adwan, 1918 East 55th Place, is opposed to any business use in the area. She described the parking problems in the area. She is concerned about a precedent this could set in the area.

Rebuttal:

Ms. Sigurdson informed she does not believe parking would be a problem in the area. She does understand the concerns about her type of clientele. She does not plan on having group therapy. She would have no signs or generate any noise. She described the clientele she has and their problems.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 2-1-0 (Smith, Victor, "aye"; Clugston, "nay"; no "abstentions"; Chappelle, Purser, "absent") to DENY a Special Exception (Section 420 - Accessory Uses in Residential Districts under the provision of Use Unit 1206) to permit a home occupation (family counseling) in an RS-3 district under the provisions of Section 1680, on the following described property:

A tract of land in the SE/4 of the SW/4 of the NE/4 of Section 31, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit:

Commencing at the NW corner of the SE/4, SW/4, NE/4 of Section 31, Township 19 North, Range 13 East, said point being the intersection of South Wheeling Avenue and East 55th Street South; thence Due South along the West line of said SE/4, SW/4, NE/4, a distance of 225.00 feet; thence North 89°-58'-15" East parallel to the North line of said SE/4, SW/4, NE/4, a distance of 40.00 feet to the POINT OF BEGINNING; thence continuing North 89°-58'-15" East a distance of 130.00 feet; thence Due South a distance of 96.25 feet; thence South 89°-58'-15" West a distance of 130.00 feet; thence Due North along the East Right-of-Way line of South Wheeling Avenue a distance of 96.25 feet to the POINT OF BEGINNING and containing 12,512.50 square feet or 0.287 acres, more or less, also known as the North 96.25 feet of Lot 9, Block 1, and the West 20.00 feet of the North 96.25 feet of Lot 8, Block 1, ALL in COLEMAN ADDITION.

Case No. 13245

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request for a use variance to permit a mobile home to be used as an office in a CH district under the provisions of Section 1670, located east of the SE corner of 69th East Avenue and Pine Street.

Presentation:

Halee's Meat and Storage was represented by George Allen, 6904 East Pine Street, who submitted some pictures of the small trailer he would like to use as a temporary office for his business.

Protestants: None.

Comments:

Mr. Jackere informed the Board of Adjustment has no jurisdiction for mobile homes that would be used as offices. He described the relief the applicant would need.

Mr. Gardner informed the applicant may have been misled and that the fee or partial fee should be refunded. The question of how much should be refunded can be addressed on the next meeting date.

Board Action:

The Chair without exception struck this item from the agenda due to the fact that the Board has no jurisdiction in this matter.

Case No. 13246

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request for a use variance to permit a driveway from commercial property, to permit rear yard employee parking, and to permit a storage building up to 1,500 sq. ft. in an RS-3 district under the provisions of Section 1670, located south of the SE corner of 39th Street and Owasso Avenue.

Presentation:

Palace Office Supply was represented by John Ramsey, 4143 East 31st Street, who described the uses in the surrounding area. He described his request and submitted 11 pictures of a storage building in the area that is larger than what they are requesting (Exhibit "I-1"). The house on the property will probably be rented to one of the employees. The proposed parking will be used for employees only, but it will allow a drive-through for customers' vehicles. He described the traffic patterns for the area. He does not feel this will be detrimental to the neighborhood. The storage will be used for storage of office supplies only.

Comments:

Mr. Victor asked if the Safeway store would have the right to access Owasso and Mr. Gardner informed when the zoning was approved, if there was no provision to provide access to Owasso, they would have the right to access that street.

Case No. 13246 (continued)

Mr. Ramsey informed their intention is to provide light on a pole for safety in the back and to use the property for limited purposes.

There was discussion about whether the applicant would meet legal requirements on the lot with the building and the parking.

Mr. Victor is concerned because they want to continue the use of the residence and add other things also.

Protestants:

Kay Silver, 3910 South Owasso Avenue, submitted 11 photographs (Exhibit "I-2") and explained them. She informed that Owasso is just one short block there. She does not want this business moving onto her street. She described problems they have had with upkeep of the businesses in the area. Most of the houses are less than 1,000 sq. ft. in size. She informed the owner-occupied homes have been upgraded in the past few years. She talked to the neighbors and informed that they do not want this changed and do not want access of the business onto their street. She informed that they have more traffic now than Owasso St. can handle.

Anna Klentos, 1032 East 39th Street, informed some of the residents cannot take the pollution in the area.

Rebuttal:

Mr. Ramsey informed they would keep up the house on the subject tract, and it would provide a safer atmosphere in the neighborhood. He does not think that the traffic from this property would impact this street significantly.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to DENY a Use Variance (Section 410 - Principal Uses Permitted in Residential Districts) to permit a driveway from commercial property, to permit rear yard employee parking, and to permit a storage building up to 1,500 sq. ft. in an RS-3 district under the provisions of Section 1670, on the following described property:

Lot 8, Block 1, Roberts Subdivision of Tract 3 of Brockman's Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13247

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1208 - Request for a use variance to allow an existing garage to be converted into a garage apartment in an RS-3 district under the provisions of Section 1670, located east of the NE corner of 12th Place and Xanthus Avenue.

Presentation:

The applicant Lawrence Archer, P. O. Box 9891, described the zoning in the area and informed the garage was built within the last six years. He described changes that would have to be made to the structure. There is other rental property in the area. Mr. Archer described why

Case No. 13247 (continued)

the owner of the property would like to have this garage apartment. Seventeen out of 51 lots in the area are rental property. The owner of the property will live in the garage apartment, and there will be ample off-street parking. He submitted a site plan (Exhibit "J-1").

Comments:

Mr. Victor asked if there are other garage apartments and was informed that there are four others in the area. Mr. Archer described where the others are located.

Mr. Victor informed that the applicant needs to show a hardship that has something to do with the peculiar aspects of the property.

Ms. Hubbard informed the applicant needs more relief than what he asked for. She described the additional relief needed.

The applicant informed there is ample room for an apartment in the garage. Mr. Archer informed he would be doing the construction for the renovations.

There was discussion about a precedent this could set in the area.

Protestants:

Several protest letters were submitted (Exhibit "J-2"), and there were protestants present.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to DENY a Use Variance (Section 410 - Principal Uses Permitted in Residential Districts under the provision of Use Unit 1208) to allow an existing garage to be converted into a garage apartment in an RS-3 district under the provisions of Section 1670, on the following described property:

Lot 12, Block 8, Amended Plat of Blocks 2, 3 and 7, Terrace Drive Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13248

Action Requested:

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

Presentation:

The applicant, Hattie Gleason, was represented by Charles Fisher, 22 North Main Street, Sand Springs, Okla. He informed this mobile home will be used for a residence. He submitted a plat of the other property in the area and described it (Exhibit "K-1"). There are no residences within about 1/2 mile from the subject tract. The mobile home will be put in the northeast corner of the subject tract. He told of other property that the owners own in the area. This property is not used for agricultural purposes. He described the mobile

Case No. 13248 (continued)

home they would like to put on the lot. They would like this for permanent use. There are no other mobile homes in this area. There are some oil wells across the street from the subject tract. He described the surrounding properties. The applicant plans to build a home on the property at some time in the future.

Discussion:

There was discussion concerning an expressway interchange proposed for the area. Chairman Smith was concerned about a precedent this could set in the area.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District under provisions of Use Unit 1209) to allow a mobile home in an AG district under the provisions of Section 1680, for a period of five years, subject to Health Department approval, on the following described property:

The Northeast 10 acres of Government Lot 5, Section 23, Township 20 North, Range 12 East, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13249

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request for a variance of the building height requirement of 1-story to permit 2 stories in an OL district under the provisions of Section 1670, located at 68th Street and Granite Avenue.

Presentation:

Michael Taylor was represented by Ted Sack, 5359 South Sheridan Road, who informed they would like this variance because of the topography of the tract. They would like to retain as many of the mature trees on the lot as they can. A third reason they have is that on-site detention will be a requirement on the tract which will take up part of the property. He described surrounding land uses. There are buildings that have more than one-story. He submitted 6 photographs of the subject property and surrounding area and explained them (Exhibit "L-1"). He also submitted a site plan (Exhibit "L-2"). The zoning is subject to a plat and is in the process. He described the requirements of the plat.

Protestants: None.

Comments:

Mr. Gardner informed the zoning is more for the intensity of the land as opposed to limiting it to single-story construction. He thinks it would be appropriate that the applicant return with a plan that the Board could review that meets his intent.



Case No. 13249 (continued)

The applicant informed they have no definite site plan. They have no objection to bringing a real site plan back.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Variance (Section 630 - Bulk and Area Requirements in the Office Districts under provisions of Use Unit 1211) of the building height requirements of 1-story to permit 2 stories in an OL zoned district under the provisions of Section 1670, subject to the applicant returning with a site plan prior to the issuance of a building permit, on the following described property:

The North 561 feet of the E/2, of the E/2, of the SE/4, of the SW/4 of Section 3, Township 18 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Case No. 13250

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 RM-2 district under the provisions of Section 1680.

Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the 1-year time limitation for a mobile home to 10 years, located west of the NW corner of West 10th Street and 51st West Avenue.

Presentation:

Debra Murr, 2015-C East 51st Place, informed she would like to move a mobile home on the subject tract. There are other mobile homes in the area. She described where the other mobile homes are located. She would like to purchase a mobile home that will be single-wide and will be about 60' or 70' x 14'. This is a vacant lot.

Protestants:

Weldon Brewer, 5144 West 10th Street, submitted a petition of protest against this application (Exhibit "M-1"). He is concerned that his property values will be decreased and about a precedent this could set. He told of the other mobile homes in the area. The people in the residences in the area do not want this in the area. He is concerned about the varying quality of mobile homes. He submitted six photographs (Exhibit "M-2"). This is a fairly stable area, and the people are trying to upgrade their homes.

Clyde Steel, 5142 West 11th Street, informed that he had a vacant lot he was thinking about putting a mobile home on but he decided not to because he was afraid it would devalue his property.

Lloyd Lewis, 5306 West 10th Street, described the neighborhood and informed he is concerned that if this is allowed it will decrease his property value. They would like to keep the neighborhood as it is.

Case No. 13250 (continued)

Mr. Brewer informed it is his understanding that there will be commercial trucks parked on this property. He informed that the property has poor drainage which is a problem.

LaKeta Steel, 5112 West 10th Street, is concerned about a precedent this could set.

Interested Party:

Joy Murr, 7300 Charles Page Boulevard, informed there will be nothing but the mobile home on the property. She described the improvements they have made on the lot. The home will be new. She cannot see how this will decrease the property values in the area. There are about six vacant lots next to the subject tract. She feels this would be beneficial to the neighborhood because it will be kept up.

Comments:

Mr. Clugston informed he is not in favor of the variance. Mr. Victor informed he would like to view the site.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case #13250 to the August 23, 1984, meeting to allow time for the Board members to view the site.

Case No. 13251

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial Districts - Use Unit 1202 - Request for an exception to allow a pre-release center in an IL district under the provisions of Section 1680, located at the SW corner of Archer Street and Cincinnati Avenue.

Presentation:

David S. King, 20 East Archer Street, requested by letter (Exhibit "N-1") that this item be continued to the August 23, 1984, meeting.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case #13251 to the August 23, 1984, meeting.

Case No. 13252

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request for an exception to allow a home occupation (dog kennel) in an RS-3 district under the provisions of Section 1680, located east of the SE corner of Harvard Avenue and Latimer Place.

Case No. 13252 (continued)

Presentation:

Georgia Chambers, 3546 East Latimer Place, informed she does not want to go into the dog business, but she has more than three dogs so she has to have a kennel license. She has talked to most of the neighbors, and they do not object to this. She has 10 dogs, and they weigh less than 10 pounds each. She described what kinds of dogs she has. The dogs are not out at night, and she does not let them out in the street. She has a triple garage and a chain link fence. She described the size of her lot. She has had most of the dogs over eight years.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Special Exception (Section 420 - Accessory Uses in Residential Districts under the provisions of Use Unit 1206) to allow a home occupation (dog kennel) in an RS-3 district under the provisions of Section 1680, for private use only with no commercial activities and with the condition that she not get any more dogs until she has fewer than the legal limit, on the following described property:

The East 138 feet of Tract 14, LESS the West 12 feet of the South 50.35 feet, Ozark Garden Farms Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13253

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request for an exception to allow a day care center in an RS-3 district under the provisions of Section 1680, located at 525 East 56th Street North.

Presentation:

The applicant, Lavern Brown, 4040 North Elgin Avenue, informed she would like to provide a preschool for four and five year olds in this area. This will be located in the Alcott Elementary School which is an active elementary school. They may have a sign on the property which tells that they have a preschool. They will be operating Monday through Friday, beginning at 7:30 a.m.

Protestants: None.

Board Action:

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

The SW/4, SE/4, SW/4 of Section 12, Township 20 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

8.9.84:419(19)

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1207 - Request for an exception to allow duplex use in an RS-3 district under the provisions of Section 1680.

Variance - Section 440.3 - Special Exception Uses in Residential Districts, Requirements - Request for a variance of the lot area from 9,000 sq. ft. to 8384.06 sq. ft. and of the 75' minimum frontage to permit a duplex, located south of the SW corner of 41st Street and Madison Avenue.

Presentation:

Robert J. Nichols, 111 West 5th Street, submitted a site plan (Exhibit "0-1") and explained it. He described where the tract is located and informed they would have to extend Madison Avenue to serve the property. He feels that this is in compliance with the Comprehensive Plan, is in the spirit of the Zoning Code and is not injurious to the neighborhood. There are duplexes to the south of the subject property. He described the variances that they are requesting so the lot will accommodate the duplex. The general shape of the tract is their hardship. They do meet the legal space requirements on the tract.

Protestants:

Mary Liker, 4119 South Detroit, owns the property to the north of the subject tract. They bought their property because of the deep lot and the privacy. She is concerned about the increase in density in the area. She is also concerned that this proposal will decrease the value of their property.

Rebuttal:

Mr. Nichols informed the duplex will be on Madison Avenue and not on Detroit Avenue. This is a typical example of getting the best out of the land they have.

Comments:

Mr. Gardner said the question is whether this use is appropriate for this lot. The variances are minor.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts under provisions of Use Unit 1207) to allow duplex use in an RS-3 district under the provisions of Section 1680, and a Variance (Section 440.3 - Special Exception Uses in Residential Districts, Requirements) of the lot area from 9,000 sq. ft. to 8,384.06 sq. ft. and of the 75' minimum frontage to permit a duplex, per plot plan with the condition that the flag handle portion be used as a utility easement and not as a driveway, on the following described property:

The South 10' of the West 103.55' and the East 100.5' of the North-half of Lot 3, Block 1, Demorest Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13255

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in a Residential District - Use Unit 1208 - Request for an exception to allow a preschool nursery in a community center building in an RM-2 district under the provisions of Section 1680, located at 6300 West 11th Street.

Presentation:

Steven G. Terry, 4965 South Union Avenue, represented Family and Children Services, Inc. They would like to have this use for the residents of the Sandy Park Housing project. He submitted a plot plan (Exhibit "P-1") and a drawing (Exhibit "P-2") of the existing building in which the preschool will be conducted. He described the renovation that will have to be done on the building and the portions of the building that will be used for the preschool. This is not a commercial day care center and will be free to the residents of Sandy Park. He described the program. It will be operated from 8:30 a.m. to 11:30 a.m., Monday through Friday, with the extended times of 7:30 a.m. to 3:00 p.m., when school starts.

Protestants: None.

Comments:

Mr. Gardner informed the request is for the entire project, and the Board needs to know what buildings will be used.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Special Exception (Section 420 - Accessory Uses Permitted in a Residential District under provisions of Use Unit 1208) to allow a preschool nursery in a community center building in an RM-2 district under the provisions of Section 1680, on the following described property:

Lot 1, Block 1, Sandy Park Addition to Tulsa County, Oklahoma.

Case No. 13257

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request for a variance of the frontage requirements on a dedicated street from 50' to 150' to 0', with the access by a private street in an IL district under the provisions of Section 1670, located at the SW corner of 57th Street and Garnett Road.

Presentation:

The applicant, John W. Sublett, One Williams Center, Suite 1776, requested by letter (Exhibit "Q-1") that this case be continued to the September 6, 1984, meeting.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions";

8.9.84:419(21)

Case No. 13257 (continued)

Chappelle, Purser, "absent") to continue Case #13257 until the September 6, 1984, meeting.

Case No. 13258

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in a Residential District - Use Unit 1217 - Request for a variance to permit a temporary mobile home sales lot in an RMH and AG district, under the provisions of Section 1670, located at 222 North 129th East Avenue.

Presentation:

The applicant, Warren G. Morris, P. O. Box 4555, informed this tract is just north of their sales lot. They would like to put mobile homes on the lots to sell them. They are concerned about their current sales lot flooding. They want to put homes in the mobile home park to sell as well as just north of the mobile home park. They would like this variance granted for a period of six months. They have not filed their zoning ordinance for IL because the floodway has not been determined. He wants to move about 18 mobile homes to the subject tract. To the north of the subject tract will be about 10 of the mobile homes, and the rest will be set up on the park.

Protestants: None.

Comments:

Mr. Gardner informed the applicant is getting out of the mobile home business. He is wanting to move the mobile homes to the lots for people to buy and then rent lots in the mobile home park.

Mr. Jackere asked why the applicant didn't put all the mobile homes on the IL zoned property. Mr. Morris described what he wants to do. Mr. Morris informed he will put them on the lot in an orderly manner.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Use Variance (Section 410 - Principal Uses Permitted in a Residential District under the provisions of Use Unit 1217) to permit a temporary mobile home sales lot in an RMH and AG district, under the provisions of Section 1670, for a period of six months limited to a maximum of 25 mobile homes to sell and get rid of the homes he currently has, on the following described property:

Lot 1, Block 1, Cooley Lake East Addition to the City of Tulsa; beginning at the Northeast corner of Cooley Lake Addition thence North 400'; thence West 400'; thence South 400'; thence East 400' to the Point of Beginning, ALL in the SE/4 of the SE/4 of Section 32, Township 20 North, Range 14 East.

Case No. 13259

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request for a variance of the 100' setback from the centerline of Sheridan Road to 85' and of the building height from one-story to split level all in an OL district under the provisions of Section 1670, located north of the NW corner of 67th Place and Sheridan Road.

Comments and Questions:

One of the Board members informed he has a conflict with this case and thus the case will need to be continued to the August 23, 1984, meeting as there are only 3 Board members present.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case #13259 to the August 23, 1984, meeting.

Case No. 13260

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 the centerline of 46th West Avenue from 50' to 28' to permit a garage in an RM-1 district under the provisions of Section 1670.

Variance - Section 240.2 - Permitted Yard Obstructions - Request for a variance to allow an accessory building (garage) in the front yard in an RM-1 district, located north of the NW corner of 7th Street and 46th West Avenue.

Presentation:

The applicant, Randy Ridley, 538 South 46th West Avenue, informed his hardship for the variance is that he only has 19 feet behind his house. He submitted a plot plan (Exhibit "R-1") and described it. He started construction on this garage because he did not know he needed a permit. He informed he can move the structure farther back from the street. There is no existing garage on the property.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to DENY a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts under provisions of Use Unit 1206) of the setback from the centerline of 46th West Avenue from 50' to 28' to permit a garage in an RM-1 district under the provisions of Section 1670, and approve a Variance (Section 240.2 - Permitted Yard Obstructions) to allow an accessory building (garage) in the front yard in an RM-1 district, on the following described property:

Lot 10, Block 11, Verndale Addition to the City of Tulsa,  
Tulsa County, Oklahoma.

8.9.84:419(23)

Action Requested:

Special Exception - Principal Uses Permitted in an Agriculture District - Use Unit 1202 - Request for permission to operate an existing sewage treatment plant in an AG district, under the provisions of Section 1680, located at 71st Street South and the Arkansas River.

Presentation:

Lloyd C. Coffelt was represented by Barbara Shirley who submitted a new map and informed this is a City-owned sewage treatment plant (Exhibit "S-1"). She informed that the legal description and map supplied to the Board are wrong. (She gave the proper legal description.) She told the history of this sewage plant. They would like this exception to be permanent on the entire tract. She would like for what is advertised to be approved, and the application to be continued to readvertise the rest of the property. She told where the existing lagoons are on the property. They want to build a drying system which will expand the treatment plant.

Comments:

The Board members explained the application to the protestants.

Protestants:

M. F. Allen, 101 West 81st Street South, described what has gone on and what is going on on the subject tract with this facility. He described the water problems he has had on his property. He presented some photographs of the subject tract and surrounding area.

Charles Lunsford, 8410 South Quebec Avenue, owns property that adjoins part of the property that this facility is on. He is concerned about his property value being decreased by this project.

Rebuttal:

Ms. Shirley informed they have made some major strides in the last four years on the tract. She described the drainage problems that they have in the area. Ms. Shirley informed she does not know of any future plans for the subject tract.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Special Exception (Principal Uses Permitted in an Agriculture District, under provisions of Use Unit 1202) to operate an existing sewage treatment plant in an AG district, under the provisions of Section 1680, for the portion of the tract advertised and to continue the application for readvertisement of the balance of the property, on the following described property:

Part of Lot 3 in the NE/4 of Section 12, Township 18 North, Range 12 East and part of the SE/4 of the NW/4 of Section 12, Township 18 North, Range 12 East, Tulsa County, State of Okla., Indian Base and Meridian, more particularly described as follows. Starting at the Northeast corner of the NW/4 of Section 12, Township 18 North, Range 12 East; thence South along the East boundary of Said NW/4 a distance of 1,312.84 feet to a



Case No. 13261 (continued)

point of beginning that being the Southeast corner of the NE/4 of the NW/4 of Said Section 12; thence in a Westerly direction along the South boundary of Said NE/4 of the NW/4 a distance of 350 feet to a point on the East Right-of-Way Boundary of the Midland Valley Railroad Company; thence in a Southeasterly direction along a curve to the left with a radius of curvature of 2,916.05 feet and a Delta angle of 10° 14' 12" being on the East Right-of-Way boundary of Said Midland Valley Railroad Company a distance of 503.11 feet to a point of tangency on Said East Right-of-Way Boundary; thence South 20° 17' 30" East along the East Right-of-Way Boundary a distance of 264.28 feet to a point on Said East Right-of-Way Boundary; thence in an Easterly direction being parallel to the South Boundary of the NW/4 of the NE/4 a distance of 610 feet to a point; thence South 22° 24' East a distance of 85 feet to a point; thence in an Easterly direction being parallel to the South Boundary of the NW/4 NE/4 to a point on the East Boundary of Lot 3; thence in a Northwesterly direction along the East Boundary of Said Lot 3 a distance of 825 feet to a point on the South Boundary of the NW/4 NE/4 of Said Section 12; thence in a Westerly direction along the South Boundary of Said NW/4 NE/4 a distance of 1,135 feet to the Point of Beginning; said tract of land containing approximately 16 acres.

Case No. 13262

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1219 - Request for a variance of the required minimum frontage to permit a lot split in a CS district under the provisions of Section 1670.

Variance - Section 1219.4 - Off-Street Parking and Loading Requirements - Request for a variance to spread parking into proposed Tract 2 (restaurant) with use provided by a mutual parking and access easement, located north of the NW corner of Garnett Road and Highway I-244.

Presentation:

Cox & Associates, Inc., was represented by Clayton Morris, 1323 South Baltimore Avenue, who informed they can build a restaurant by right, but they want to sell the property by lot split. They have more parking than they need for the motel and restaurant combined. When the lot is split, he will be short of parking for the motel. He submitted a Plat (Exhibit "T-1") and a Storm Sewer Plan (Exhibit "T-2") and informed the Plan shows mutual access and parking easement. He submitted a copy of the Covenants to provide mutual access and parking areas (Exhibit "T-3").

Protestants: None.

Comments:

Mr. Gardner informed that the Planning Commission approved the lot split. If the Board approves it, it should be subject to a mutual access easement and parking.

Case No. 13262 (continued)

Mr. Morris informed the motel is in the process of being built, and they have applied for a permit for the restaurant.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts under provisions of Use Unit 1219) of the required minimum frontage to permit a lot split (L-16237) in a CS district under the provisions of Section 1670, and a Variance (Section 1219.4 - Off-Street Parking and Loading Requirements) to spread parking into the proposed Tract 2 (restaurant) with use provided by a mutual parking and access easement, subject to the execution of a covenant to provide mutual access and parking areas, on the following described property:

Lot 1, Block 1, Econolodge Motel, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13263

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request for an exception to allow an auto wash in a CS district under the provisions of Section 1680, located at the SE corner of 71st Street and Sheridan Road.

Presentation:

William J. Doyle requested by letter (Exhibit "U-1") that this case be continued to the September 20, 1984, meeting.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case #13263 to the September 20, 1984, meeting.

Case No. 13264

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the bulk and area requirements in a CS district under the provisions of Section 1680.

Variance - Section 1214.4 - Off-Street Parking and Loading Requirements - Request for a variance of the required off-street parking and loading spaces located at the NE corner of 61st Street and Memorial Drive.

Presentation:

William J. Doyle, 201 West 5th Street, represented the owner of the subject tract. He described the subdivision. He submitted an artist's rendering of the proposed center (Exhibit "V-1") and copies of the elevations (Exhibit "V-2") and described them and the surrounding area. The development will bring 61st Street up to City standards.

Case No. 13264 (continued)

This is a unique project because of the mixed uses in the development. There will be a reasonable correlation between the use and the parking that will be required. He submitted an engineering study and explained it (Exhibit "V-3"). This study specifically speaks to the parking arrangements that will be made. He presented several large graphs showing the monthly variations in peak parking.

Protestants: None.

Comments:

Mr. Clugston asked what the parking requirements are and Mr. Doyle informed they propose 1,075 parking spaces which they believe meets the peak parking times. The requirement is 1,459. They say the additional spaces are not needed because of the mixed uses.

Mr. Victor informed he has no arguments with this approach to parking, but he does not think he will be ready to vote on it today.

Mr. Doyle feels it would be a hardship if they had to meet the new parking requirements. They do not feel that this will be detrimental to the public good or be against the spirit and intent of the Comprehensive Plan.

Mr. Clugston asked about the amphitheater. Mr. Lee Mashburn, 1323 East 29th Street, one of the partners, said they are trying to create a jogging and recreational facility and the amphitheater will be for children.

Mr. Clugston informed he does not feel that the parking is a hardship.

Mr. Smith informed he has a topographic problem, and part of the property is in the floodplain.

There was discussion about whether this meets the Bulk and Area Requirements, and Mr. Doyle informed this area was platted as one lot with the exception of about 200 x 200 sq. ft. that will be a service station lot. After the lot split, the old lot line no longer has any relevance to this project. If this were one lot, it would meet all of the Bulk and Area Requirements.

Mr. Gardner informed approval of this could be tied not only to these uses but also to the plot plan.

Mr. Victor asked what fixes the specified areas of the specific uses, and Mr. Mashburn informed they will live with the plan because they have a marketing plan already implemented.

Mr. Gardner informed if there is a problem with parking in the future, the applicant will have to build a parking garage to accommodate the need if he wants to rent the facilities.

Mr. Clugston informed he is uneasy with the first variance. He feels it needs to be more specific.

Case No. 13264 (continued)

Mr. Gardner informed they could make the condition that the vacant lot would always have to be part of the complex and could not be developed except for parking.

Mr. Gardner informed the first variance is technical, therefore, the Board can be specific in what they are granting.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to continue Case #13264 to the August 23, 1984, meeting.

Case No. 13265

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial District - Use Unit 1225 - Request for a variance of the required 150' frontage on Pine Street to 10' to permit construction of a structure in an IL district under the provisions of Section 1670.

Variance - Section 1225.4 - Off-Street Parking and Loading Requirements - Request for a variance to permit parking on a lot other than the lot of use, located west of the SW corner of Pine Street and Garnett Road.

Presentation:

The applicant, Raymond A. Miller, P. O. Box 45468, requested that this application be withdrawn.

Comments:

Mr. Jones stated they handed the applicant his check because no processing was done on the application.

Protestants: None.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to withdraw Case #13265 at the request of the applicant.

OTHER BUSINESS:

Case No. 13010

Action Requested:

Consider approval of the Detailed Landscape Plan.

Presentation:

Frank Wisener presented his Detailed Landscape Plan for the new Permajac Building on the subject tract (Exhibit "W-1"). He also presented a pictorial guide to show the landscape materials they will plant.

Protestants: None.

Comments:

Mr. Gardner explained what happened when this variance was granted.

There was discussion about the kind of fence that the applicant will have on the property.

Mr. Gardner suggested that the Board leave the landscaping review to the Staff's judgement and then the applicant would not have to wait 2 weeks.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to approve the landscaping plan in concept, subject to review by the Staff, and that the decorative fence be a solid surface masonry wall a minimum of 6 feet high.

Case No. 12769

Action Requested:

Report on District Court regarding Case No. 12769.

Presentation:

Mr. Jackere, Legal Counsel, informed he has already discussed this with the Board and has nothing else to report.

Board Action:

Without objection, the Chair struck this item from the agenda.

Case No. 10314

Action Requested:

Consider approval of an amended plan.

Presentation:

Joe Phillips represented the South Tulsa Baptist Church, 21 St. Andrews Circle, Broken Arrow. He requested to amend his master plan. He described the building and informed he wants less building area. He submitted the new plan (Exhibit "X-1").

Protestants: None.

Comments:

Mr. Gardner described what the applicant is needing.

Case No. 10314 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0  
(Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions";  
Chappelle, Purser, "absent") to approve the substitute site plan.

There being no further business, the Chair adjourned the meeting at 7:06 p.m.

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

*8/9/84 9/6/84*

*John R. Smith*

Chairman