

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 420
Thursday, August 23, 1984, 1:00 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Purser Smith Victor	Clugston	Gardner Jones Phillips Wiles	Garriot, Protective Inspections Hubbard, Protective Inspections Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, Tuesday, August 21, 1984, at 12:00 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Mr. Smith called the meeting to order at 1:06 p.m.

MINUTES

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 the Minutes of July 12, 1984 (No. 417) and July 26 (No. 418).

UNFINISHED BUSINESS:

Case No. 13202

Action Requested:

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

Presentation:

The applicant, Ronda Davis, attorney, requested by letter (Exhibit A-1) that this case be continued until two weeks from this date.

Protestants: None

Comments:

Mr. Smith informed that litigation was involved and suggested this may be the reason for requesting another continuance.

Mr. Victor noted that the case has been continued several times.

Mr. Jackere replied that as long as the applicant was requesting the continuance there was no problem. The ordinance states that these cases should be decided within 90 days.

Case No. 13202 (Continued)

Mr. Victor questioned whether the Board could continue until the applicant is ready to plead the case.

Mr. Jackere replied that type of continuance would require the applicant to readvertise.

Mr. Smith informed that two requests for continuance were from the city and two were from the applicant.

Mr. Jackere suggested that at the next meeting the staff might inform the applicant that the Board would not grant another two week continuance, but rather a six to eight week continuance to a date certain.

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 **Continue** Case No. 13202 to the September 6, 1984 meeting.

Case No. 13237

Action Requested:

Special Exception—Section 310—Principal Uses Permitted in the Agricultural District—Use Unit 1209—Request an exception to allow a mobile home in an AG zoned district under the provisions of Section 1680;

Variance—Section 330—Bulk and Area Requirements in an AG District Request a Variance to allow 165 ft. of frontage instead of the required 200 ft. of frontage, located 1/2 mile N. of NW/c of 51 St. & 177 East Ave.

Presentation:

The applicant, Bob Barnett, 4522 S. 177th E. Avenue, informed that his attorney had filed for a lot split and that he had received approval of the Health Department percolation test on Wednesday, August 22, 1984. He informed the subject tract was more than 2.5 acres and that he was unaware of the frontage requirements.

Protestant:

Alice Cohen, 3210 South Delaware Place, informs she owns the property adjacent to the subject tract and there are no mobile homes in the area. There are approximately six to eight homes in the near vicinity and a subdivision is in progress near 51st and Lynn Lane. She requested denial.

Israel Cohen, 7744 South Evanston, stated he was against the variance because he feels it would dilute the resale value of his land. He also informed he would not approve a temporary exception.

Case No. 13237 (Continued)

Interested Parties:

Meryl Lorenz, 4516 South 177 East Avenue, owns the property north of the subject property and stated that Mr. Barnett had a mobile home on the subject property which was destroyed by a tornado. He observed that Mr. Barnett had kept his land clean and that he was an asset to the area, rather than a negative influence.

Applicant's Rebuttal:

Mr. Barnett submitted pictures (Exhibit B-1) of the adjacent area and explained them to the Board. He stated that his mobile home was a single-wide which would be placed on a foundation and skirted. He presented a letter from Mrs. Magee (a neighbor) stating that she approved the use of a mobile home on the property. He stated that at some future date he may build a permanent home on the property, but at the present time he was single and planned to live in the mobile home alone.

Comments:

Mr. Gardner informed that if the applicant has more than 2.5 acres the lot split was not necessary; however, he does need a variance of the frontage requirements.

Mr. Smith stated that the case was before the Board at the last meeting and they allowed the applicant to readvertise in order to clear up a few items (i.e. frontage requirements).

Board Action:

On MOTION by VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to Approve the Special Exception (Section 310—Principal Uses Permitted in the Agricultural District—under the Provisions of Use Unit 1209) to allow a mobile home in an AG zoned district under the Provisions of Section 1680, subject to Health Department approval, for a period of three years;

On MOTION by VICTOR and SECOND by CHAPPELLE, The Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 330—Bulk and Area Requirements in the AG District) to allow 165 ft. of frontage instead of the required 200 ft. of frontage, on the following described property:

The south 165 feet of the east 663 feet of S/2, S/2, SE/4, NE/4 of Section 26, T-19-N, R-14-E, City of Tulsa, Tulsa County, OK.

Comments and Questions:

Mr. Victor informed the applicant that at the end of the three year period he would have the right to reapply.

Case No. 13238

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in Residential Districts—Use Unit 1205—Request a special exception to

Case No. 13238 (Continued)

allow a church in a RS-3 zoned district, located N of NW/c of 28th St. N and Garrison;

Variance—Section 1205.3—Use Conditions—Request a variance to allow less than 1 acre and 100' of frontage minimum for church use and a variance to allow parking in the required front yard;

Variance—Section 1205.4—Off-street parking—Request a variance of the required number of parking spaces.

Presentation:

Verdell Crawford, 1130 N. Cincinnati, on behalf of the Friendly Church of God in Christ, stated that her congregation wished to add on to an existing church building on the subject property. She informed that the congregation consisted of about 20 members.

Protestants: None

Comments:

Mr. Jones informed that church use had never been granted for the subject property and that is why the applicant had been advised to advertise for church use. He further stated that since at the last meeting the Board had not seen any architectural drawings, nor a plot plan, he advertised for everything he thought might be necessary.

Ms. Hubbard stated that she had no evidence that the applicant had applied for a building permit. After taking the opportunity to review the plans presented by the applicant's contractor, she informed that she could not make a determination from them. She welcomed the applicant to apply for a building permit and go through an official review and denial so that the Board might know what type of relief the applicant needs. She stated that she would work with them in revising the plans so that an application could be determined.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to Continue Case No. 13238 until the September 20, 1984 meeting to allow the applicant time to file for a building permit and determine the type of relief they need.

Case No. 13250

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1209—Request an exception to allow a mobile home in an RM-2 zoned district under the Provisions of Section 1680;

Variance—Section 440.6—Special Exception Uses in Residential Districts, Requirements—Request a variance of the 1 year time limitation for a mobile home to 10 years, located W of NW/c W. 10 St. & 51 W. Ave.

Case No. 13250 (Continued)

Presentation:

Debra Murr, 7300 Charles Page Boulevard, stated her request to park a mobile home on the subject plot because she feels it would be uneconomical to build a permanent dwelling there at this time. She said the area is in transition and this is not the time to build there. She felt that a mobile home would be an improvement to the area and submitted pictures (Exhibit C-1) to substantiate her statement. She described her mobile home and stated her intention to keep the area clean and well-kept. She presented letters from her pastor and friends maintaining her integrity, which she felt had been in question by her protestants. She has lived in the area for twenty years.

Protestants:

Mark Finnerty, 1597 East 19th Street, an attorney for the protestants, stated that the applicant, in his opinion, has not met the burden of proof to show that there is any undue hardship in complying with the ordinances as they now stand with the RM-2 zoning on that property. There are no mobile homes in the area pursuant to any valid exceptions or variances at this time. There is an unoccupied mobile home sitting in this area which was bought for resale. There are no exceptions pending at this time that the protestants are aware of. He further stated that the Water Department informed him that there is no water available to the lot unless a six-inch water line is run from 525 feet away. It is also in a flood plain. He presented a copy of the Corps of Engineers flood map indicating that the lot is in a Code-B flood zone and stated that the Corps of Engineers plan to build a drainage ditch in this area, which will reduce the subject lot to a depth of 110 feet. He also submitted pictures (Exhibit C-2) of the Memorial Day flood and damage to that area. In closing, Mr. Finnerty stated that there was an exception granted for this area in 1978 which was not renewed, and submitted a request that the application be denied. He presented a plot plan from the Corps of Engineers depicting the drainage system.

Weldon Brewer, 5144 West 10th Street, lives directly across from the subject property and stated that in order to get water to his home he had to have lines run from 11th street and his next-door-neighbor had his water run from 51st street. It is his understanding that the Water Department no longer allows private water lines. He questions the expense of running a six inch line which would be deeded to the city.

Scott Weir, 5108 West 10th Street, lives across 10th Street from the subject property. He stated that he protests the introduction of a mobile home across the street from his home, and has no complaint of the applicant. He finds it silly that personalities have been included in this discussion (in which they have no place) stating that this is a matter of the law and a decision of this Board. The issue is whether this application is made in the best interest of the neighborhood. He reiterated that this is indeed a transition neighborhood, but that Ms. Murr may be incorrectly evaluating the

Case No. 13250 (Continued)

nature of the transition. He feels that the neighborhood is beginning to improve, and his objection (based on his background as a carpenter) is that mobile homes tend to be built poorly and do not last as long as conventionally built homes.

Neaketa Steele, 5112 West 10th Street, informed that there are two mobile home parks near the area which are suited for Ms. Murr's needs at this time. This would keep mobile homes out of their residential neighborhood.

Applicant's Rebuttal:

Connie Moore, 106 N. Main, B. A., stated that she was not privy to the pictures being shown of the flood, but that she understood that most of the flooding in the area was caused by a broken dike in the Sand Springs area. She claimed that the flooding is irrelevant to this request, and that a drainage ditch in the back would probably relieve the problem. She feels that any dwelling which would be kept clean would be an improvement to the area and stated that Ms. Murr would accept a less permanent time period in order to see if the drainage would work out.

Comments:

Mr. Victor questioned Mr. Finnerty, in regard to his reference to "hardship", whether he was referring to the use of the mobile home or the time limit. Mr. Finnerty replied that it was his understanding that either a variance or an exception required burden of proof by the applicant. Mr. Jackere interjected that historically there has been confusion in the Supreme Court over the difference between the exception and the variance, but that ten to twenty years ago it was clarified that the special exception does not require the finding of a hardship.

Mr. Victor stated that he did not see the relationship between the flood and the use of a mobile home in the area.

Ms. Purser asked Mr. Gardner the present status of mobile homes in regard to flooding and city ordinances. Mr. Gardner replied that if drainage was a problem in this particular case, if it was approved, it should be subject to hydrology in order to relieve the Board from the burden of inspection.

Mr. Gardner suggests that the issue of consistency of the area be addressed. Most mobile homes are approved for one year in hope of building a permanent home and in this situation they are asking that this be allowed as permanent dwelling.

Ms. Purser pointed out that the Board rarely considers a Variance on a Special Exception for a mobile home, and it is usually in an undeveloped area. This is not an undeveloped area of the city and stated that she did not find a reason for a hardship on the Variance. If they are granted an exception and the water lines are a problem then this will be considerable expense for no reason.

Case No. 13250 (Continued)

Mr. Victor stated that since a drainage construction might begin in the future that a mobile home might be the best use of the land at the present time, but he does not support the Variance.

Mr. Jackere, in answer to Ms. Purser's question regarding the Board's legal responsibility to the applicant, informed that the Board, in approving a special exception, did not have to consider the applicant's hardship in making the financial investment necessary to establish a dwelling.

Mr. Gardner informed that the original application was filed with the intent to stay for ten years and it the responsibility of the Board to look at that intent in making this decision. If we establish precedent in this situation, then we will begin to have many requests for other mobile homes in the area.

Board Action:

ON MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to DENY a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Under the Provisions of Use Unit 1209) to allow a mobile home in an RM-2 zoned district under the Provisions of Section 1680, and a Variance (Section 440.6—Special Exception Uses in a Residential Districts, Requirements) of the 1 year time limitation for a mobile home to 10 years, on the following described property:

Lot 20, Block 5, Vern Subdivision to the City of Tulsa, Tulsa County, OK.

Case No. 13251

Action Requested:

Special Exception—Section 910—Principal Uses permitted in the Industrial District—Use Unit 1202—Request an Exception to allow a pre-release center in an IL zoned district under the provisions of Section 1680, located at 20 East Archer.

Presentation:

Robert Flynn, 1717 East 15th Street, representing the Freedom Ranch, submitted a handout describing the proposed use of the building and the Freedom Ranch program. He stated that David S. King is the President of the non-profit organization, Freedom Ranch. He requested an exception for the building known as John 3:16. He gave a short history of the building and its uses including a pre-release center which was discontinued because the fire regulations were not met. He stated their plans to correct that problem, and to put the building to its best use, which is to make it a building the city is proud of. The building is listed on the National Register as a historical monument and under legislation can not be destroyed. Their intention is to allow John 3:16 to lease the section of the building they presently occupy. They are willing to work with the city of Tulsa and the Urban Renewal Board in order to make this building what it needs to be in order to meet both the use and need requirements for the city.

Case No. 13251 (Continued)

David S. King, Box 512, Cleveland, Ok., described Freedom Ranch as a work/training center to prepare these former inmates for jobs in the city. He submitted a brochure from Best Western (Exhibit D-2) and stated that the Best Western Work/Training program was one they would like to model this pre-release center after. They are presently negotiating with a Tulsa based oil company for placement of the individuals who will be trained in computer-related fields. He informed they intend the center to be a home for these individuals and will offer them spiritual and emotional support; individual and group counseling from qualified, professional people; educational classes, and a volunteer family for outside support. (The latter will be volunteers who will be trained and screened.) The Director of Security will have twenty years experience as a law enforcement officer in the Tulsa area. They have asked the Tulsa Police Chief to participate in the screening of the pre-release applicants. Mr. King pointed out that as of June 1984, there were 3,290 paroles or probationaries in the city of Tulsa, and suggested that it might be desirable to have some of these monitored. The home will house 50 persons who will be chosen by a screening board from a list compiled by the Department of Corrections. (These persons, for the most part, will be former Tulsans.) After being questioned by the Board, Mr. King stated that Freedom Ranch goes to great lengths to insure that their applicants have proven themselves (often through persecution in prison) to be committed Christians who desire a change from their former lives.

David S. Fauling, 4319 East 30th Street, presented an architectural rendering based on the State Fire Marshall's requirements. He pointed out that a required fire escape on the east end of the building was not shown. In trying to be totally complimentary to the urban renewal taking place to the north. The exterior of the building will be kept the same, with the exceptions of the addition of a glass canopy in front, and the installation of bronze glass. These two changes correspond with the motif used on the old Depot in its restoration. He stated their intention to sand blast the exterior of the building, which is structurally sound. He further stated that it is the intention of Freedom Ranch to protect the historical integrity of the building. He did not expound on the changes to be made inside.

Jerry Smith, 1644 South Delaware, stated that he has served on the Board of the John 3:16 Mission since 1963. Approximately five years ago Urban Renewal condemned all the property in the adjacent area, including the John 3:16 building, and advised that they did not need the building and would not take possession of it for five years. At that time there was a state pre-release center occupying the top floors of the building and John 3:16 occupied the lower three. Since that time the pre-release center moved out of the building and the bills have become too much for the Mission. He informed that the Urban Renewal Authority would not commit themselves to purchase the building nor would they release John 3:16 from the former agreement. This has been a hindrance to their contributions, as their patrons assume they are closing the mission. In November or December of

Case No. 13251 (Continued)

1983, Mr. Smith received a letter from TURA stating their intentions to take possession of the building, but after having it appraised, confessed that they did not have sufficient funds to make the transaction at that time. Although it was announced on the news recently that TURA had made an offer on the building, Mr. Smith had not been informed of this. John 3:16 has been negotiating with Freedom Ranch to sell the building, but remain tenants and continue their work. He pointed out that TURA's intentions are to vacate the building. Freedom Ranch is a private organization which is privately funded and he expressed his confidence in them. He also pointed out that they might not be willing to renovate the building on a lease basis.

Protestants:

Jerry Sutton, 707 South Houston, representing Tulsa Urban Renewal Authority, stated that TURA had filed a letter with the Board (Exhibit D-3) indicating their objection to the application. He informed their objection is based on several points, the first being that the application was filed on two separate lots (one of which is owned by TURA). TURA owns all of Block 59 exclusive of lot 1, which is where the John 3:16 building sits. The second reason for their objection sites the fact that TURA is currently active in the area revitalizing the "Cross-Town Sector" and they feel a pre-release center would be a detriment to their regeneration efforts in this very sensitive area. He stated that TURA is not opposed to pre-release centers and that is not the issue. The third point is that the property has been scheduled for acquisition for five years and was delayed at the request of the John 3:16 Mission Board. The appraisal has been made and the title work is accomplished and TURA is proceeding with the acquisition of the property pending allocation of the necessary funds, which is expected within the next few weeks. The purpose for the acquisition of this particular property and the building in question is to assemble sites for redevelopment purposes. It is not intended that the building be raised, but rather that it be incorporated with the balance of the block in future redevelopment of the area. If public funds are used to acquire the building, then it can not be raised. Once the building is acquired, TURA intends to sell the area to someone who will redevelop the land surrounding it and the building, in accordance with Urban Renewal plans. TURA plans to use CBDG funding and the status of those funds is indefinite at this time. Mr. Sutton informed that they have other sources of funding.

Bill Fountain, Suite 500, 707 S. Houston, representing Downtown Tulsa Unlimited, expressed his organization's opposition to the application. He stated that DTU supported the John 3:16 Mission and pre-release centers and recognized their value to society, but he feels that is not the issue. He addressed the District 1 plan that was adopted to encourage commercial development and a long-standing goal of residential development for downtown Tulsa. Secondly, he informed that his organization was working with the City Development Department on updating the Crosstown Sector Plan, which also encouraged commercial and residential development in the crosstown sector of which the subject property is a part. He expressed concern

Case No. 13251 (Continued)

regarding security as it applies to the parking lots in the downtown area. DTU is currently working with potential developers for the subject building whom they feel would put the building to higher and better use than a pre-release center. Finally, Mr. Fountain stated that his organization was willing to work with the John 3:16 Mission and such entities to help them find sites that have a good use for a mission or a pre-release center. He stated that the building would be used as a mixed-use building which is covered in the Crosstown Sector Plan. He submitted a letter from DTU (Exhibit D-4) requesting denial of the application.

Applicant's Rebuttal:

Mr. Flynn informed that John 3:16 is the only place in the city where the building is actually being used as an office and as a residence. He stated that Freedom Ranch has addressed the security problem and that according to Department of Corrections criteria no sexual abuse offenders are allowed in pre-release centers. We must set a precedent for Tulsa, there needs to be a first pre-release center. There are 60,000 sq. ft. in the building and the Freedom Ranch plans to house fifty persons.

Mr. King stated that the Department of Corrections dictates regulations to pre-release centers and the fire code dictates the number of persons per square foot. He informed that he intends that Rev. Steele from John 3:16 will be a part of the management team for the pre-release center.

Comments:

Chairman Smith implied that John 3:16 might be just as well served if they remained in possession of the building and leased to Freedom Ranch. He also stated that there had been problems with the state pre-release center, although much of it was caused by the Department of Corrections. He informed that his interest was the public interest and stated that he could not be comfortable turning the building over to an organization the Board knows little about. He did express his confidence in the Manager of the John 3:16 Mission.

Ms. Purser questioned whether TURA followed up on their media release with John 3:16, and Mr. Smith replied that they had not.

Chairman Smith stated that often pre-release centers which are intended to house minor offenders end up with capital offenders. This has been his personal observation from recent history.

Ms. Purser indicated that she would like to have a list of the Board Members of the Freedom Ranch Organization.

Mr. Gardner informed that the pre-release center requires a special exception and there are no specific sites designated for that purpose, therefore it is the responsibility of this Board to evaluate that use wherever it applies.

Mr. Jackere offered the information he heard at the trial of the pre-release center case at N. 5th & Cheyenne (which was denied by

Case No. 13251 (Continued)

this Board) for the benefit of the Board. He stated that the case was several months ago, and concerned a center that would house approximately 60 inmates. It was appealed to District Court and they upheld the decision of this Board. One of the conclusions that was drawn was that this area was a weak area in terms of redevelopment. The court came to a further conclusion that a proper location for a pre-release center would be a strong, established neighborhood. It is the substance of protests that the Board must consider. He feels, based on the indications of the court, that a pre-release center would be poor use of the property in question.

Ms. Purser stated her feelings that a neighborhood in transition was not the place for a pre-release center and motioned that the application be denied. She received a second by Chappelle, but the motion was tabled for more discussion and was later withdrawn.

Mr. Victor estimated that this is the third pre-release center case that this Board has heard and that other than the applicant, those cases have received little or no support. It is the responsibility of the Board to review land use and factors involving the property, as well as need. He referred to the integrity of John 3:16 and reminded the Board of their hardship during this time. Even John 3:16 would have a hard time finding a place to go if they are left without a residence. He further suggested that the applicant and John 3:16 come back before the Board at a later date with a management plan.

The applicant submitted a flood insurance rate map (Exhibit D-5).

Board Action:

On MOTION by PURSER and SECOND by VICTOR the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **Continue** Case No. 13251 to the September 20, 1984 meeting.

Case No. 13259

Action Requested:

Variance—Section 630—Bulk and Area Requirements in the Office Districts—Use Unit 1211—Request a variance of the 100' setback from the centerline of Sheridan to 85' and of the building height from one story to split level, all in an OL zoned district under the provisions of Section 1670, located N of NW/c of 67th Pl. & Sheridan.

Presentation:

John Moody, 4100 BOK Tower, representing Oxford Place (a partnership), whose general partner is Vince Butler, Jr., stated that the application is on a 6.9 acre tract and was originally advertised requesting a modification of the setback from Sheridan. He stated that the engineers were able to relocate the building so that variance is no longer a requirement and withdrew that portion of the application. He stated that two years ago this property was approved by this Board to allow two-story or split-level buildings in a seven-building configuration. He submitted the plans which had been

Case No. 13259 (Continued)

formerly approved (Exhibit E-1). He feels that there is one area which has changed sufficiently enough to require him to come back before the Board with a request. He then submitted the revised plot plan (Exhibit E-2) showing the location of the two buildings since they have withdrawn their request for a variance of the setback. The property has approximately a 60' fall from the west line towards Sheridan, the rear portion of the property has approximately 20 percent grade, and the eastern portion has approximately an 11 percent grade. He continued to describe the plot plan including the change from the original six buildings to only two. The engineers have advised them to take advantage of the natural slope of the property by extending the first level over the Sheridan level and provide for parking under these areas. It has allowed them to greatly increase the amount of open space. He apologized for the confusion over the definition of a split-level. He is requesting a variance on the elevation requirement of the building and felt it was necessary to present the new plot plan to the Board for approval of the new variance request in light of the changes made. Mr. Moody presented a copy of a letter of approval from the Southeast Tulsa Homeowners Association. In closing, he added that the square footage of the buildings would not change.

Protestants: None

Interested Parties:

Ken Adams, 7227 East 65th Place, is the President of the Southeast Tulsa Homeowners Association. He informed that the Association has for some time had a restrictive covenant agreement with Mr. Butler and Oxford Place which includes an item stating that no building erected may exceed one story in height provided that this paragraph will not prohibit split-level buildings. He felt that the agreement was in keeping with the ordinance and with what the residents wanted. This plan is an extension of that original plan. He informed that he is on the Board of the Bethany Christian Church, (which is adjacent to the subject property), and after reviewing this revised plan, that Board feels that the plan is appropriate for the land and recommends approval of the application.

Bill Pfiffner, 6608 South 66th East Avenue, stated that he is an adjacent neighbor and a signatory to the covenant referred to by Mr. Adams. He complimented the Board for pursuing the applicant's intentions and informed that the withdrawal of the request for a variance on the setback has removed any objections that he may have had up to now. He requested that he be notified, in writing, of any subsequent amendment to the request made here or the papers filed with the Board on this date.

Applicant's Rebuttal:

Mr. Moody requested that the Board approve the revised plot plan as submitted, adding that his staff would condition any further applications in regard to this site upon notification of Mr. Pfiffner.

Case No. 13259 (Continued)

Comments:

Mr. Jackere informed that on occasion an applicant has substituted plot plans at the end of the agenda and the Board felt there were significant changes which would required the applicant to readvertise.

Mr. Gardner stated that the original request was for a split-level (residential in nature), but that the Board has jurisdiction based on the slope of the property and suggested that the Board look at this application as if it were a first request. He also added that "split-level" means more than one-story and that term could be applied in this situation.

Ms. Purser asked Mr. Gardner if INCOG had a mechanism to inform interested parties of subsequent changes. Mr. Gardner replied that the staff and the Board would need to rely on memory to grant a request such as this and suggested putting a note in the file.

Mr. Victor noted that it would be hard to develop land of that slope without a split-level, the only alternative being filling. He stated that in his opinion the proposed plot plan is the best use of the land, basing a hardship on the slope.

Board Action:

On MOTION of VICTOR and SECOND by PURSER the Board voted 3-0-1 (Chappelle, Purser, Victor, "aye"; no "nays"; Smith, "abstaining"; Clugston, "absent") to Approve a Variance (Section 630—Bulk and Area Requirements in the Office Districts—under the Provisions of Use Unit 1211) of the building height from one story to two story all in an OL zoned district under the provisions of Section 1670 per site plan submitted and condition upon Mr. Pfiffner being notified of any subsequent changes, on the following described property:

A tract of land beginning at the NE corner of the NE/4 of the SE/4 of Section 3, Township 18 North, Range 13 East, Tulsa County, Oklahoma; thence West along the North line of said NE/4 of SE/4 a distance of 596.76 feet to a point, thence South and parallel to the West line of said NE/4 of SE/4 a distance of 353.83 feet to a point; thence East and parallel to the North line of said NE/4 of SE/4 a distance of 32 feet to a point; thence South and parallel to the West line of said NE/4 of SE/4 a distance of 164.17 feet to a point; thence East and parallel to the North line of said NE/4 of SE/4 a distance of 564.84 feet to a point; thence North along the East line of said NE/4 of SE/4 a distance of 518.00 feet to a point and the place of beginning, containing 6.98 acres more or less.

Case No. 13264

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Request a Variance of the Bulk and Area Requirements in a CS zoned district under the Provisions of Section 1680;

Case No. 13264 (Continued)

Variance—Section 1214.4—Off-Street Parking and Loading Requirements—Request a variance of the required off-street parking and loading spaces, located at the NE/c of 61st St. & Memorial.

Presentation:

Bill Doyle, 201 W. 5th Street, Suite 400, referred to a previous meeting in which he described the proposed plan of the Eton Square subdivision, and highlighted the concept of its mixed use, the uniqueness of the mixed use, and informed that the Board discussed the DeShazzo engineering report, (previously exhibited as V-3, dated August 9, 1984). He stated that prior to a recent ordinance change, the parking requirements dictated 883 spaces available for parking. The project had originally been designed for 990 spaces and a great deal of emphasis went into the uniqueness of this mixed-use shopping center concept. The DeShazzo engineering firm said that 1075 parking spaces would be needed for a project of this kind and that number is critical to the Shopping Center's success. He stated that his organization was confident that the engineering report was accurate and the request is valid. Due to the fact that this center will offer retail services, office accommodations and a cinema, the parking request is a matter of economics. In addition to the parking variance, they would like to make two provisions: 1. That the entire engineering report be included in this application; 2. The variance be conditioned upon those uses being as set out in the engineering report, which limits the amount of square footage used for retail, office, restaurant and theatre. He submitted a plat of survey (Exhibit F-1).

Protestants: None

Interested Parties:

Barb Knuckles, 7633 East 63rd Street, explained the "captive market factor" in response to questions by the Board. In cinema projects with a single screen theatre (in a worse case situation) a blockbuster movie would fill up the theatre. However, with a multi-screen theatre, one or more premier movies, one or more movies ending their run, and one or more "second-run" movies can be run concurrently. This provides for optimum use for the theatre. It has been his experience in studying cinemas around the country that the worst case would be a 20% discount. A multi-screen cinema that caters to "second-run" movies will have up to a 40% discount. He explained for the benefit of the Board that in Speciality Retail (that which is in a non-mall area or that which serves a special market) prime sales are in the afternoon and not in the evening, which justifies the specialty retail factor in the engineering report.

Comments and Questions:

The staff submitted two memoranda (Exhibit F-2 and Exhibit F-3).

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to Approve a Variance—(Section 730—Bulk and Area Requirements in the Commercial Districts) of the Bulk

Case No. 13264 (Continued)

and Area Requirements in a CS zoned district, under the Provisions of Section 1680; and a Variance—(Section 1214.4—Off-Street Parking and loading requirements) of the required off-street parking and loading spaces, per plat of survey, per usage set out under maximum square footage, requiring that the entire DeShazzo engineering report be included in the application and that the adjacent lot be used exclusively for off-street parking, on the following described property:

A tract of land, containing 23.3072 acres, that is part of Lot-1, and all of Lot-2, in block-1 of "Memorial South Center" an addition to the City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: "Beginning at a point" that is the SW/c of Lot-2 in block-1 of "Memorial South Center"; thence N 0°-08'-25" W and along the westerly line of said block-1 for 500.00'; thence N 89°-51'-35" E for 154.19' to a point of curve; thence Easterly and Northeasterly along a curve to the left, with a central angle of 53°-25'-42" and a radius of 250.00', for 233.13' to a point of tangency; thence N 36°-25'-53" E along said tangency for 190.12' to a point of curve; thence Northeasterly and Easterly along a curve to the right, with a central angle of 53°-33'-59" and a radius of 250.00', for 233.73' to a point of tangency; thence N 89°-59'-52" E and along said tangency for 328.73' to a point of curve; thence Easterly and Southeasterly along a curve to the right, with a central angle 77°-30'-00" and a radius of 250.00', for 338.16' to a point of tangency; thence S 12°-30'-08" E and along said tangency for 64.86'; thence Southeasterly along a curve to the left, with a central angle of 32°-29'-47" and a radius of 500.00', for 283.58' to a point of tangency; thence S 44°-59'-55" E and along said tangency for 120.45' to a point of curve; thence Southeasterly and Southerly along a curve to the right, with a central angle of 45°-00'-00" and a radius of 250.00', for 196.35' to a point of tangency; thence S 0°-00'-05" W and along said tangency for 90.00' to a point on the Southerly line of Block-1 of "Memorial South Center"; thence N 89°-59'-55" W and along the Southerly line of block-1 for 1547.35' to the "Point of Beginning" of said tract of land.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13272

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM districts—Use Unit 1206—Request a variance of the required side yards from 10' and 5' to 9.2' and 4.7' respectively for an existing dwelling in an RS-2 zoned district under the provisions of Section 1670, located E of SE/c of 88th Street & Evanston.

Presentation:

Russell L. Anderson, 2627 East 21st St., Suite 112, representing Tom Tannehill, informed they are requesting a variance as stated in the application, that it is the first home in the area, that there are no

Case No. 13272 (Continued)

protestants from the adjacent land owners. He submitted a plat of survey (Exhibit G-1). He stated that the pad is in compliance with the regulation, but when the brick was laid it necessitated a variance.

Protestants: None

Board Action:

On MOTION of PURSER and SECOND by VICTOR the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to Approve a Variance (Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—under the Provisions of Use Unit 1206) of the required side yards from 10' and 5' to 9.2' and 4.7' respectively for an existing dwelling in an RS-2 zoned district, per survey submitted, on the following described property:

Lot 9, Block 3, Cedarcrest II Addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 13266

Action Requested:

Special Exception—Section 710—Principal Uses in a Commercial District—Use Unit 1217—Request special exception to allow an automobile sales lot and vehicle repair service in a CS zoned district, under the Provisions of Section 1680, located at 11321-11605 East 19th & 1905 South 116th East Avenue.

Presentation:

R. S. Looney, 5841 South Garnett, with Triangle Development Company, addressed the Board and stated that his company had an earlier exception under Use Unit 15 and was under the impression that automotive sales was included in that exception. He established an office structure and leased a portion of it to Corvettes Unlimited of Tulsa whose intent is to sell parts and do minor repairs within the structure. They also requested that they be allowed to make limited sales, and after reviewing the earlier exception Mr. Looney discovered that was not covered in the former decision. He presented a plat of survey and stated that he did not intend for the project to become predominantly automotive sales. (The Board reviewed the plat for clarification.) He informed that he has an aversion to auto repair, per se, but has confidence in Corvettes Unlimited's credentials. Seven (7) pictures were submitted (Exhibit H-1).

Protestants: None

Comments and Questions:

Ms. Hubbard asked if Mr. Looney had a six foot screening fence behind the facility and he informed one is being built.

Case No. 13266 (Continued)

Mr. Victor questioned Mr. Rooney as to the maximum number of vehicles they intend to keep on the premises. Mr. Rooney felt that no more than 16 would be a safe guess.

Ms. Hubbard informed that there is an RS-2 district immediately north of the subject property which prohibits merchandise outside the building for storage or sale within 300 feet.

Mr. Gardner informed that the depth of the lots on either side of the street are probably in the neighborhood of 200 feet.

Mr. Jackere reminded the Board that they have faced similar situations in the past and they have advised the applicants to readvertise for a variance. He stated that if a person advertises to establish an automobile sales the Board could determine that the public should know part of the storage will be outside. He suggested that the special exception for this use could include that the storage is outside, but stated that he would feel more comfortable if the applicant readvertised since Use Unit 1217 requires that there be no outside storage.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to Continue Case No. 13266 until September 6, 1984 to allow the applicant time to readvertise.

Case No. 13267

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM districts—Use Unit 1206—Request a variance of rear yard requirement from 20' to 11'; and a Variance of setback from centerline of 38th Street from 50' to 40', all in an RS-3 zoned district, under the provisions of Section 1670, located at 3802 South Utica.

Presentation:

Bob Saxby, 1615 East 116th Street, Jenks, representing Saxby & Sons, Inc., stated that his company is proposing to add a garage to the existing structure of the Joe Moore residence. He presented a plot plan (Exhibit I-1) and informed that the addition would require the building line to fall within 11' of the property line at the rear of the subject property. He stated that the adjacent property owner had been informed of these intentions and had no objections. The building line on the 38th Street side was originally set up at 15' from the property line and the existing structure sits on that line. He proposed that it would be logical to follow that line back to the rear of the property. He informed that a detached garage (which faces 38th Street) had been remodeled many years ago and their plan is to incorporate it into the new addition.

Protestants: None

Case No. 13267 (Continued)

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE the Board voted 4-0-0 (Chappelle, Purser, Smith and Victor, "aye"; no "nays"; no "abstentions"; Clugston "absent") to Approve a Variance (Section 430.1—Bulk and Area Requirements in the RS, RD and RM district, under the Provisions of Use Unit 1206) of rear yard requirement from 20' to 11'; and a Variance of setback from centerline of 38th Street from 50' to 40', all in an RS-3 zoned district per plot plan submitted, under the provisions of Section 1670 on the following described property:

Lot 1, Block 1, Forest Ridge Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13268

Action Requested:

Variance—Section 430—Bulk and Area Requirements in an R district—Use Unit 1207—Request a variance of lot width from 60' to 34.44', lot area from 6900 sq. ft. to 5393 sq. ft.; land area from 8900 sq. ft. to 6281 sq. ft.; livability area from 4000 sq. ft. to 3453 sq. ft. and sideyard from 5' to 0' to allow a lot split of existing duplex in an RS-3 zoned district; under the provisions of Section 1670, located at 6927-33 East 72nd Street South.

Presentation:

David Graham, 4505 East 75th Street, requested a lot split to allow an existing duplex to be divided. There will be no change in the structure. A plat of survey (J-1) was submitted.

Protestants: None

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, absent) to Approve a Variance (Section 430—Bulk and Area requirements in an R district under the provisions of Use Unit 1207) of lot width from 60' to 34.44', lot area from 6900 sq. ft. to 5393 sq. ft.; land area from 8900 sq. ft. to 6281 sq. ft.; livability area from 4000 sq. ft. to 3453 sq. ft. and sideyard from 5' to 0' to allow a lot split of existing duplex in an RS-3 zoned district, under the provisions of Section 1670 per plat of survey submitted, on the following described property:

Lots 6 and 7, Block 1, Kirkdale Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13269

Action Requested:

Variance—Section 280—Structure Setback from Abutting Streets—Use Unit 1216—Variance of setback from 50' to 42' along 51st Street to allow gasoline island and canopy in a CS zoned district, under the provisions of Section 1670, located at 3247 East 51st Street.

Case No. 13269 (Continued)

Presentation:

Arlen Allison, 101 North Robinson, Oklahoma City, representing Phillips Petroleum, requested a setback from 50' to 42' along 51st Street to accomodate the modification of their service station/gasoline island and canopy. He submitted a plot plan (Exhibit K-1) and proposed that the change is necessary to remove the danger posed by the existing situation (i.e. the gasoline pumps being too close to the building causes probable hazard to customers coming in and out of the building). He pointed out to the Board that the islands were not within the 50' requirement, and that only the canopy required the variance. A picture was submitted (Exhibit K-2).

Protestants: None

Comments:

Mr. Gardner informed that a canopy is not considered a building if it is detached and one can put a canopy on his own property providing the major street setback is met. A removal contract, would be needed if you approved it, so that if there is additional right-of-way taken in the future, the City would not bear the expense of removal.

Ms. Hubbard informed that there is only 35' dedicated from the center line of 51st at that location and the applicant is asking to go 42' from the center line and she stated that the application includes the major street setback for the proposed widening.

Mr. Victor asked the applicant to address the hardship, to which the applicant replied that the present facility, as located, is the hardship because it inhibited the flow of traffic without hazard.

Ms. Hubbard stated that it was her understanding that Phillips Petroleum has had considerable problems with the canopies on their existing stations and that many of them are being renovated to avoid further danger.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER the Board voted 3-0-1 (Chappelle, Purser, Victor, "aye"; no "nays"; Smith, "abstaining"; Clugston, "absent") to Approve a Variance (Section 280—Structure Setback from Abutting Streets—Under the provision of Use Unit 1216) of setback from 50' to 42' along 51st Street to allow gasoline island and canopy in a CS zoned district, under the provisions of Section 1670 per plot plan submitted and subject to the execution of a removal contract on the following described property:

East 165' of Lot 17, Block 2, Villa Grove Subdivision to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13270

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Use Unit 1206—Request a variance of the 50' setback from the centerline of 39th Street to 34' to allow an addition to an existing dwelling in a RS-3 zoned district under the provisions of

Case No. 13270 (Continued)

Section 1670, located at on the SW/c of 39th St. and St. Louis Avenue.

Presentation:

Walter Owens, 3920 West Hillside Drive, Supalpa, is the contractor proposing to add a room onto the west end of the existing structure on the subject tract. The home is located in a subdivision that was previously platted with less setback; however, the building code now requires that new construction comply with a 50' setback. He presented a plat of survey (Exhibit L-1), and a plot plan (Exhibit L-2) and informed that the home is 37' from the centerline and the 40'x25' addition proposed would be in line with the present structure. He requested a variance based on that hardship.

Protestants:

J. J. Esposito, 3834 South Trenton, stated that he was under the impression that the addition was to the east of the existing structure, but this discussion clarified that and he has no further objection.

Comments:

Mr. Smith informed that the property line is not parallel with the house and questioned whether the variance covered this difference. Mr. Owens replied that he has taken that factor into consideration in this request.

Board Action:

On MOTION of PURSER and SECOND by VICTOR the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to Approve a Variance (Section 430.1—Bulk and Area Requirements in the RS, RD and RM districts—Under the Provision of Use Unit 1206) of the 50' setback from the centerline of 39th Street to 34' to allow an addition to an existing dwelling in an RS-3 zoned district under the provisions of Section 1670 per plot plan submitted, on the following described property:

Lot 1, Block 5, Forest Ridge Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13271

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Use Unit 1206—Request a variance of the 60' setback from the centerline of Birmingham Pl. to 50' to permit construction of a residence in an RS-1 zoned district under the provisions of Section 1670, located on the NE/c of 27th Place & Birmingham Place.

Presentation:

John Woolman, 2411 East Skelly Drive, of Woolman Properties, stated that he is employed by Peter Walters to construct a residence on the subject property. He submitted a plot plan (Exhibit M-1) and an architectural rendering (Exhibit M-2), and explained that the

Case No. 13271 (Continued)

original design included the removal of a large tree at the front of the property. Since that time, the property owners have decided to spare the tree and have approval from surrounding residents. He stated that the lot is oddly shaped and it was hard to devise a workable plan, but this one seemed to please everyone involved.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR the Board voted 3-0-1 (Chappelle, Purser, Victor, "aye"; no "nays"; Smith "abstaining"; Clugston, "absent") to Approve a Variance (Section 430.1—Bulk and Area Requirements in the RS, Rd and RM districts—Under the Provisions of Use Unit 1206) of the 60' setback from the centerline of Birmingham Place to 50' to permit construction of a residence in an RS-1 zoned district under the provisions of Section 1670, per plot plan submitted, on the following described property:

A part of Lot Three (3), Block Four (4), WOODY-CREST SUBDIVISION, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according the recorded Plat thereof, being more particularly described as follows, to wit: beginning at a point on the Southwesterly line of said Lot 3 a distance of 106.23 feet Northwest of the point of tangent 166.9 feet Northwesterly from the common west corners of Lots 6 and 3 of said Block 4, thence N 65° 30' W and along the Southwesterly line of lot 3 for 83.77 feet, thence on a curve to the right, having a radius of 32.2 feet for 69.3 feet, thence N 54° 38' E for 89.4 feet, thence N 52° 07' 57" E for 0.00 feet, thence on a curve to the left having a radius of 255.8 feet for 35.64 feet, thence S 81° 10' E for 54.46 feet, thence S 24° 30' W for 172.01 feet to the point of beginning.

Case No. 13273

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1215—Request an exception to allow a dry cleaning facility in a CS zoned district under the provisins of Section 1680;

Variance—Section 1215—Use Unit 15—Other Trades and Services—Request a variance of the 1500 sq. ft. of floor for a dry cleaners, located South of the SW/c of 81st & Sheridan.

Presentation:

The Applicant, Royal Cleaners, Inc., requested by letter (Exhibit N-1) that the application be continued until the September 6, 1984 meeting.

Protestants: None

Board Action:

On MOTION by VICTOR and SECOND by CHAPPELLE the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston and Purser, "absent") to Continue Case No. 13273 to the September 6, 1984 meeting.

Case No. 13274

Action Requested:

Variance—Section 208—One Single-Family Dwelling Per Lot of Record—Use Unit 1206—Request a variance to allow two dwellings (1 existing house, 1 converted garage) per lot of record in an RS-3 zoned district under the provisions of Section 1670, located on the NE/c of the B. A. Expressway & 16th Street.

Presentation:

Charles Remund, 2625 East 16th, asked for permission to convert an existing detached garage into an apartment to be used for uses other than a residence at this time. He informed that part of the renovation has already taken place and when an electrician came to wire it, the applicant was informed that a building permit was necessary. He stated it may be used in the future as a dwelling. A plat of survey was submitted (Exhibit O-1).

Protestants:

Gerald Pace, P.O. Box 52425, owns the property directly abutting the subject property. He informed that he did not object to Mr. Remund's use of his garage, but rather opposed the board's approval of the use of this property for multi-family use. He feels that this area is not designed for such use, and since many of the homes have detached garages, this case might set an undesirable precedent for the neighborhood. He added that he respected Mr. Remund as a person and as a neighbor and has offered his help in this project, but emphasized his position that this is not an area for multi-family use.

Comments and Questions:

Ms. Hubbard informed that she has not seen a plot plan and suggested that he may not be advertised for enough relief. She stated that she could not be sure that the applicant could meet all the bulk and area requirements to permit two dwelling units on a lot of record.

Ms. Purser asked the applicant if he had a home-occupation permit and the applicant replied that he was using one room to store the Amway products they sell.

Mr. Victor informed that the applicant did not meet liveability space nor land area per dwelling unit.

Board Action:

ON MOTION of VICTOR and SECOND by PURSER the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to DENY a Variance (Section 208—One Single-Family Dwelling Per Lot of Record—Under the Provisions of Use Unit 1206) to allow two dwellings (1 existing house, 1 converted garage) per lot of record in an RS-3 zoned district under the provisions of Section 1670, on the following described property:

Case No. 13274 (Continued)

Lot 5, Block 2, Braniff Subdivision of Lots 22 and 23, Glen Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13275

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1217—Request an exception to permit mobile home sales in a CS (pending) zoned district under the provisions of Section 1680, located W. of NW/c of Admiral Place & Garnett.

Presentation:

Charles E. Norman, 900 Kennedy Building, represented Paul Savage and informed that Mr. Savage has been a mobile home retailer for a number of years. His present business is located on the north side of Admiral Place west of Mingo where he has been flooded three times. He submitted pictures (Exhibit P-1) showing the damage that was incurred in the flooding in May of 1984. As a result of that flood Mr. Savage's insurance has been cancelled. Mr. Norman submitted a plot plan (Exhibit P-2) and requested that Mr. Savage be allowed to move his operation to the subject tract which is zoned CS. The property was rezoned last Tuesday by the City Commission from RMH to CS. Directly south of Admiral Place is a large area approved by this Board for Use Unit 15 (Trades and Services) to permit the development of individual lots for automotive repair, plumbing shops, and other uses involving repair and storage. He submitted a copy of proposed development and use restrictions (Exhibit P-3) and discussed these restrictions with the board. He stated their intention to remove all tongues from displayed homes or to conceal them with skirting. He suggested that these standards and the site plan would be a significant step forward in the design and use of land for mobile home sales purposes from what the standard has been in the past along Admiral. He submitted 11 pictures (Exhibit P-4) of the adjacent area.

Protestants: None

Comments and Questions:

Mr. Victor suggested that the parking lot be restricted to an all-weather surface and Mr. Norman had no objection.

Ms. Hubbard reminded that the lot will be subject to the 300' outside storage or display of merchandise restriction, pending the zoning change to CS (on which this case is contingent).

Mr. Gardner offered a brief history of the area, stating that the SE/c of this intersection (which is also commercially zoned) was denied mobile home sales lot and that application is pending District Court. He informed there had been several mobile home sales lots without approval in the area which have been removed. A stop order is in the process of being issued prohibiting storage of mobile homes on the SW/c, which were moved there after the recent flood. A new office building has been built in the area where mobile home sales used to be.

Case No. 13275 (Continued)

Mr. Smith reminded that the Board has been careful to restrict the use of land east of highway 169 and the Mingo Valley Expressway from mobile home sales in the past.

Board Action:

On MOTION by VICTOR and SECOND by CHAPPELLE the Board voted 3-1-0 (Chappelle, Purser, Victor, "aye"; Smith, "nay"; no "abstentions"; Clugston, "absent") to Approve a Special Exception (Section 710—Principal Uses Permitted in the Commercial Districts—Under the provisions of Use Unit 1217) to permit mobile home sales in a CS (pending) zoned district under the provisions of Section 1680, subject to publication of the zoning ordinance, subject to the site plan submitted and subject to the following restrictions:

1. Mobile home sales shall be the only use permitted on the property.
2. No camper, recreation vehicle, or pickup shell sales shall be permitted.
3. No more than 13 mobile homes, including the sales office, shall be displayed on the property at any one time.
4. No more than 6 mobile homes shall be under preparation at any one time within the Preparation Area as shown on the Site Plan.
5. The use of the property for mobile home sales and preparation shall be limited to the South 400 feet of the property included in the Application.
6. A 50 foot building setback line shall be maintained from the South property line and a 15 foot building setback line shall be maintained from the East and West property lines.
7. Mobile home tongues shall be removed or concealed on all units displayed for sale.
8. The fronts or ends of mobile homes on display which are visible from East Admiral Place shall be skirted or underpinning installed.
9. Mobile homes on display shall be arranged as shown on the Site Plan submitted by the Application.
10. The parking area shall be an all-weather surface.
11. The front portion of the property shall be maintained as a grassy area, and

The balance of the application be continued to readvertise for outside storage of merchandise within 300 feet of a residential district, on the following described property:

All of the West Half of the West Half of the East Half (W/2, W/2, E/2) of Lot One (1), of Section Six (6), Township Nineteen (19), North, Range Fourteen (14) East, City of Tulsa, Tulsa County, Oklahoma less and except the Southerly 75.00 feet thereof: and All of the East Half of the East Half of the West Half (E/2, E/2, W/2) of Lot One (1) of Section Six (6) Township Nineteen (19) North, Range Fourteen (14) East, City of Tulsa, Tulsa County, Oklahoma less and except the Southerly 75.00 feet thereof, and the Northerly 17.00 feet of the West Half of the

Case No. 13275 (Continued)

East Half of the West Half (W/2, E/2, W/2) of Lot one (1) of Section Six (6), Township Nineteen (19) North, Range Fourteen (14) East, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13276

Action Requested:

Use Variance—Section 610—Principal Uses Permitted in the Office Districts—Use Unit 1217—Request a variance to allow restricted automobile sales in an OL zoned district under the provisions of Section 1670, located at 1120 W. 17th Street.

Presentation:

Don Clear, 303 North 9th Street, B. A., represented the Tulsa Municipal Employee Credit Union in their request to allow a five-hour sale of rental automobiles on the subject property. He informed that the cars are owned by Avis and will be auctioned to Credit Union Members only. He further requested that the Board approve the sale to be biannual (Spring and Fall), with the first one on September 29, 1984.

Protestants: None

Board Action:

On MOTION by PURSER and SECOND by VICTOR the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to Approve a Use Variance (Section 610—Principal Uses Permitted in the Office Districts—Under the provisions of Use Unit 1217) to allow restricted automobile sales in an OL zoned district under the provisions of Section 1740, restricted to be twice annually (one day in the Spring and one day in the Fall) on the following described property:

Lot 1, Block 4, Riverview Park Addition II to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13277

Action Requested:

Special Exception—Section 910—Principal Uses Permitted in the Industrial Districts—Use Unit 1219—Request an exception to permit neighborhood B.Y.O.L. club, lounge in an IL zoned district under the provisions of Section 1680, located on the SW/c of 54th St. & Mingo.

Presentation:

Ed Crockett, 6830-A East 31st, representing Sheridan Royal Properties, requested approval of a special exception to allow a neighborhood lounge to be established on the subject tract. He informed that the adjacent property owners did not object, and there will be no live entertainment. The lounge will occupy 18,050 sq. ft. of an existing structure at this location. He stated that he feels that this use will be compatible with this IL District. A plot plan (Exhibit Q-1) was submitted.

Case No. 13277 (Continued)

Comments and Questions:

Ms. Hubbard asked the applicant if this application was in response to denial of a building permit recently filed. He replied that the denial of that permit did lead to the request for a special exception.

Mr. Victor stated that the Board has denied such requests in the past, but that he felt there were sufficient differences in this case.

Board Action:

On MOTION of VICTOR and SECOND by PURSER the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to Approve a Special Exception (Section 910—Principal Uses Permitted in the Industrial Districts—Under the Provisions of Use Unit 1219) an exception to permit neighborhood B.Y.O.L. club, lounge in an IL zoned district under the provisions of Section 1680, per plat plan and subject to the following restrictions:

1. The hours be limited to 10 a.m. thru 12 a.m. Monday thru Saturday and 10 a.m. thru 10 p.m. on Sunday.
2. There will be no live entertainment.
3. There will be no dancing.
4. Usage will be limited to 1,850 sq. ft.
5. Provision of a minimum of 25 parking spaces.

on the following described property:

Lot 3, Block 2, 5300 Commerce Park, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13278

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM districts—Use Unit 1209—Request a variance of the 35' height limitation to 39' to permit construction of apartments in an RM-2 zoned district under the provisions of Section 1670, located on the SW/c of Riverside & East 61st Street.

Presentation:

Jim Parker, 502 South Main, of BSW Architects, submitted a site plan (Exhibit R-1) and requested permission to construct a three-story apartment complex on the subject property. He stated that due to the restrictions of the flood plain the buildable area within the 22 acres is restricted to 10 acres. He informed that in order to raise the density to make the project economically feasible, it is necessary to build three-story apartment units. He stated that they feel 35' is inadequate to allow this and request a variance of 4'.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no

Case No. 13278 (Continued)

"abstentions"; Clugston, "absent") to Approve a Variance (Section 430.1—Bulk and Area Requirements in the RS, Rd, and RM districts—Under the Provisions of Use Unit 1209) of the 35' height limitation to 39' to permit construction of apartments in an RM-2 zoned district under the provisions of Section 1670 per plot plan, on the following described property:

Lot 1, Block 1, Harbor Pointe I, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13279

Action Requested:

Variance—Section 930—Bulk and Area Requirements in the Industrial Districts—Use Unit 25—Request a variance of the required 75' setback from an abutting R district to 50' in an IL (pending) zoned district under the provision of Section 1670, located W of NW/c of Apache & Utica.

Presentation:

E. C. Sommers, 1648 South Boston, of Mansuer-Daubert-Strella, Inc., represented American Beauty Products. He presented a site plan (Exhibit S-1) and explained the company's expansion plans.

Protestants: None

Board Action:

ON MOTION of VICTOR and SECOND by CHAPPELLE the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to Approve a Variance (Section 930—Bulk and Area Requirements in the Industrial Districts—Under the Provisions of Use Unit 25) of the required 75' setback from an abutting R district to 50' in an IL (pending) zoned district under the provision of Section 1670, per plot plan submitted, on the following described property:

E/2, SE/4, SW/4, and SE/4, NE/4, SW/4 of Section 19, T-10-N, R-13-E, less Apache Square Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13280

Action Requested:

Use Variance—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1217—Request a variance to allow automobile sales in an RS-2 zoned district under the provisions of Section 1680, located E of SE/c of 11th St. & 133rd E Ave.

Presentation:

L. G. Crow, 13338 East 11th Street, informed that he owns 132' of frontage on 11th Street and requests a variance to allow a used car lot on the front 150' of that property. He stated that he had been liscensed to sell cars at that location for many years before it was incorporated into the city limits. A plat of survey (T-1) was submitted.

Case No. 13280 (Continued)

Protestants: None

Comments and Questions:

Mr. Victor asked the applicant about security lights for the evening, and Mr. Crow replied that PSO placed a security light on the front, and there are two lights on his garage. He stated that he is not near residences that will be affected by the lights.

Board Action:

on MOTION of VICTOR and SECOND by CHAPPELLE the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to Approve a Variance (Section 410—Principal Uses Permitted in the Residential Districts—Under the Provisions of Use Unit 1217) to allow automobile sales in an RS-2 zoned district under the provisions of Section 1680 subject to 10 cars maximum and restricted to the front 150' on the following described property:

East 132' of West 462' of North 330', NW/4, NE/4, NW/4, Section 9, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13281

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1205—Request an exception to allow a pre-school at Woods Elementary School in an RS-3 zoned district under the provisions of Section 1680, located at 1661 East Virgin.

Presentation:

Laverne Brown, 4040 North Elgin, stated that she represented working mothers who need a facility at Wood Elementary School for extended care of kindergarten and elementary school children. The nursery will be under private ownership on public property and Jim Hartsell will be her supervisor. She stated that the facilities meet state requirements for nursery schools. A plat of survey (Exhibit T-1) was submitted.

Protestants: None

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "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 pre-school at Woods Elementary School in an RS-3 zoned district under the provisions of Section 1680, on the following described property:

SE/4, SE/4, NW/4 of Section 30, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13282

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1217—Request an exception to allow a car wash in a CS district under the provisions of Section 1680; and a

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Request an exception to allow off-street parking in an RM-2 district; and a

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Request a variance of the 100' setback from the centerline of Charles Page to 50'; and a

Variance—Section 1340—Design Standards for Other Off-Street Parking Area—Request a variance of the location of the required screening, located on the NW/c of Charles Page & Nogales.

Presentation:

Daniel Buford, 107 South Phoenix, stated that he is the owner of the Nursing Home on the lot to the west of the subject property and plans to use approximately 22' on the west end of lots 5, 6, and 7 as parking for the Home. He stated that he intends to use the balance of the lots in the following way: (1) They will be leveled with the streets on Charles Page and Nogales; (2) A tie-wall will be built on the north lot. He submitted pictures (Exhibit U-1) and described them. (3) The screening wall will be on the property line between lots 4 and 5. There will be no other buildings on lot 5. (4) Lot 6 will be used for a car wash. (5) Lot 7 will be the entrance to the car wash, with the exit on Nogales. (6) Lot 5 will be an exit from the car wash.

Comments and Questions:

Ms. Purser stated her desire to see a plot plan and questioned the need for a setback on Charles Page. The applicant described his plans to install large vacuum islands on that lot.

Ms. Purser asked Mr. Buford to explain the need for a variance on the screening wall. He informed that presently the requirement is for the screening wall to be between lots 5 and 6. He feels that is unnecessary and would like to put the wall between lots 4 and 5. (The tie wall will not replace the screening.)

Protestants:

John Hickey, 1716 South Gary, represented Randy Staner. Mr. Staner owns the colonial style office building on the east corner of Nogales and Charles Page. He informed that they have no objection to the use of the subject property, however, their concern is that they have seen no plans. He requests that the Board require more evidence that the property will be properly developed in order to assure adjacent property owners that their investments are secure. He further requested that his client preferred that no neon signs be used for advertisement of the car wash and that approval of the special exception be conditional upon the execution of the proposed landscaping.

Case No. 13282 (Continued)

Juanita Wofford, 216 South Nogales, represented approximately 17 residents in the adjacent area. She informed that she lives in the home due North of lot 4. She stated that the neighborhood residents do not oppose the use of the land for a car wash, nor the variance requested for lot 5, however, they are concerned about a curfew on the car wash. They feel this would be necessary to ensure the quality of life they are used to in this residential neighborhood. She requested that the screening wall not be placed directly on the property line. She stated that her bedroom windows face that line and she does not want to feel crowded. She feels that a wall that close to her property would hinder the enjoyment of her yard. She presented pictures concerning traffic flow and parking in the area and informed that this intersection has heavy traffic. (She did not submit the pictures to the file). Ms. Wofford also suggested that the stalls to the car wash have a clearance of no more than 9 feet to discourage tractor/trailor riggs from using it.

Comments and Questions:

Ms. Purser commended the protestants for their presentations and stated that the Board shared many of the same concerns. She stated that most of these could be relieved by the submission of a plot plan.

Ms. Purser requested that a synopsis of the minutes of this case be presented to the Board at the September 6, 1984 meeting to avoid redundancy. She also expressed her feeling that a car wash in a residential area needed curfew restrictions. The applicant replied that he did not intend to disturb the area, stating that he had substantial investments in the area, including the nursing home, which he needs to protect.

Mr. Jackere asked Mr. Buford to clarify who, if anyone, will be responsible for security on the car wash lot. Mr. Buford stated that the nursing home is staffed 24 hours-a-day and that he would not tolerate problems in that area at night.

Mr. Gardner suggested that as long as lights are on there will be a problem with traffic on the lot. If the lights are turned off at curfew, that will discourage people from "hanging around" after hours.

Mr. Smith suggested that the lights above the car wash be directed away from the residential area, that they be on a timer, and that the variance on the setback be smaller.

Applicant's Rebuttal:

Mr. Burford suggested that this application be continued until the next meeting to allow him time to present a plot plan and make the necessary changes to meet the conditions discussed. He stated that it is his intention to work with this Board and the residents of the area to make this plan one which will please everyone.

Case No. 13282 (Continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to Continue Case No. 13282 until the September 6, 1984 meeting.

Case No. 13283

Action Requested:

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

Variance—Section 440.7—Special Exception Uses in Residential Districts, Requirements—Request a variance of the 1 year time limitation, located E of SE/c of Cincinnati & Ute Place.

Presentation:

William White, 4694 North Boston Place, requested permission to place a mobile home on the subject property. There are no other mobile homes in the area, but he spoke with the adjacent residents and did not find a negative response. His father-in-law owns the property. Mr. White informed that he plans to build a home, but it is not in progress at this time.

Protestants:

George Geesing, 3504 North Sheridan, stated that he owns rental property in the area and is opposed to this application due to the fact that he is presently trying to facilitate an effort to clean the area up. He informed that the area is in need of development, and that he does not want to see a precedent set for mobile home use. He feels that mobile home usage would only hinder the clean-up project.

Comments and Questions:

Ms. Purser asked the applicant if he plans to contract his home or if he intends to build it himself. He replied that he intends to build it himself. Ms. Purser noticed that it will probably be longer than one year before this project could be finished.

Applicant's Rebuttal:

Mr. White requested that the application be approved based on the fact that none of the surrounding residents made protests.

Comments and Questions:

Mr. Chappelle stated that he is familiar with the area and that it is in transition. He feels it would be a hindrance to its progress to allow mobile homes in the area.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to DENY a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Under the Provisions of Use Unit 1209) to permit a mobile

Case No. 13283 (Continued)

home in an RS-3 zoned district under the provisions of Section 1680; and a Variance (Section 440.7—Special Exception uses in Residential Districts, Requirements) of the 1 year time limitation, on the following described property:

Lot 7, Block 5, Meadow Brook Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13284

Action Requested:

Variance—Section 930—Bulk and Area Requirements in the Industrial Districts—Request a variance of the required frontage from 150' to 36.75' in order to permit a lot split in an IL zoned district under the provisions of Section 1670 located N of NE/c of 44th St. & Memorial Drive.

Presentation:

The Applicant was not present.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **Continue** Case No. 13284 until the September 6, 1984 meeting.

OTHER BUSINESS

Case No. 13245

Action Requested:

Request refund of fees for B.O.A. Case No. 13245.

Comments and Questions:

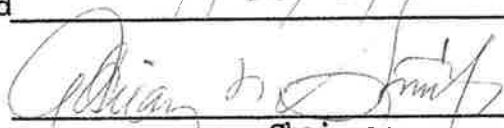
Mr. Jones explained that on the previous agenda an application was made to allow a mobile home as an office in a CH district. The Board informed that they had no jurisdiction. The applicant requested refund of fees. There is no clarification as to who is to blame, but all of the work was done by the staff.

Board Action:

on MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **Approve** the request for a refund of fees in the amount of \$100.00, which is one-half of the filing fee.

There being no further business, the Chair adjourned the meeting at 6:16 p.m.

Date Approved

9/20/84

Chairman