

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 425
Thursday, November 1, 1984, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Clugston Purser Smith, Chairman	Victor	Gardner Jones Phillips	Linker, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, October 29, 1984, at 10:50 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 1:04 p.m.

MINUTES:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to APPROVE the Minutes of October 18, 1984.

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to APPROVE the Minutes of Case No. 13347, from October 18, 1984.

11.01.84:425(1)

UNFINISHED BUSINESS:

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 provisions of Section 1680; and a

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 S. of SW/c of 81st & Sheridan.

Presentation:

The applicant, Royal Cleaners, Inc., P. O. Box 35979, Tulsa, was represented by the owner, Frank Lucenta. He submitted a packet of information presenting his proposal (Exhibit A-1) and discussed the map indicating the other dry cleaning facilities in the area. Mr. Lucenta informed the Board that the subject property was bought in December, 1983 for the purpose of building a cleaning facility and corporate office building. It was his understanding that CS zoning was required for that type of use. A lot split was granted on the subject property in the spring of 1984; however, an ordinance became effective shortly after, that required a special exception for the use and a variance for more than 1500 sq. ft. Mr. Lucenta informed that this new ordinance has caused him considerable financial hardship. He stated that he was advised by the INCOG staff that the ordinance was initiated by the Health Department, to insure that that no fumes or chemicals from a drycleaning plant located in the same building with a restaurant or other food related business, could get into the food. Mr. Lucenta suggested that since his facility will be a free-standing structure, it will pose no health hazard. In addition to proposing a free-standing structure designed to meet Board of Health requirements, Royal Cleaners utilizes the most modern technology and environmentally protective equipment available, including totally enclosed drycleaning machines in which clothes to be cleaned are dry when they enter the machines, and dry and devoid of drycleaning fluid when they come out of the machines, precluding the possibility of any fumes being generated. Some of the machines are so modern that they are unmatched within a 250-mile radius of Tulsa. Royal Cleaners is a locally-owned family business and is a closely held Oklahoma Corporation, currently employing 40 Tulsans. Royal Cleaners has provided its services in Tulsa for 54 years. Mr. Lucenta informed that there are 15 other dry cleaning facilities in the area and only 3 of those are free standing. He referred to the plot plan in Exhibit A-1 and explained that 2,050 sq. ft. will be used as office/retail; 1,950 sq. ft. for dry cleaning; and 1,000 sq. ft. for laundry. He stated that the 1,000 sq. ft. for laundry is necessary in order to serve his customers' needs. Elevation plans were also included in the proposal (Exhibit A-1). The subject property is surrounded by two-story apartments and the dry cleaners is designed to be a two-story, so that it will be compatible with the area. The upper floor will be used for the

11.01.84:425(2)

Case No. 13273 (continued)

corporate offices and the lower floor will be for dry cleaning and laundry, as well as retail sales. He explained that any further delay in this decision would result in continued hardship and he requested that the application be approved.

Comments and Questions:

Mr. Clugston asked Mr. Lucenta if the facility will be a major processing plant for other locations. Mr. Lucenta informed that initially this location will service one facility; however, the size will allow expansion to include processing from other locations as Tulsa grows to the South.

Ms. Purser explained that she has no problem with that location for a dry cleaning facility, but she does not understand why the variance is asked for on the size. Mr. Lucenta explained that the facility provides special services, such as the cleaning of suede and leather, the cleaning and drying of drapes, etc., which require special equipment and more space.

Ms. Purser asked Mr. Gardner when the new ordinance became effective. Mr. Gardner explained that the ordinance became effective in December of 1983.

Mr. Jackere asked Mr. Gardner if there is a zoning where a 1500 sq. ft. dry cleaning facility is allowed by right. Mr. Gardner replied that any dry cleaning facility larger than 1500 sq. ft. denotes a heavier industrial type of use and that it might be appropriate for such a zoning.

Mr. Clugston asked Mr. Lucenta if any of the cleaning facilities presented in the information packet submitted (Exhibit A-1) are larger than 1500 sq. ft. Mr. Lucenta informed that there are those that are larger than 1500 sq. ft., but they were existing under the former code.

Protestants:

Richard Riddle, Suite 200, Park Tower, 5314 South Yale, attorney representing Sheridan Ponds Apartments, informed that he met with the applicant and informed him that his property was part of a PUD before TMAPC. Mr. Lucenta informed him that he was not aware that his property was included in that PUD and proceeded to withdraw his property from that file. Mr. Riddle reminded the Board that the variance requires a hardship and, in his opinion, no hardship has been shown. He advised that the subject property is a CS zoned lot in a prime location and it is not necessary to build a dry cleaner in order to realize an economic profit. Mr. Riddle informed the Board that a dry cleaning facility exists on the property now in the form of a tin shack, which has been erected 10' from the property line. It is used for pick-up and delivery. He stated that in his opinion the variance asked for is too enormous and will undermine the ordinance. A financial hardship is not the type of hardship envisioned by the law. He reported that the residents of Sheridan

11.01.84:425(3)

Case No. 13273 (continued)

Pond were concerned over the potential health hazard a dry cleaning facility will impose on their residential community, since toxic chemicals are used in processing the clothes. He submitted a plot plan given to him by Mr. Lucenta (Exhibit A-2) and explained that the proposed structure is not compatible with the neighborhood and suggested that the Board subject the property to the PUD process.

Additional Comments:

Mr. Jackere advised Mr. Riddle that it is the applicant's decision which Board will hear their case.

Applicant's Rebuttal:

Mr. Lucenta asked the Board to consider that he will not be setting a precedent, and that CS zoning allowed more than 1500 sq. ft. for a dry cleaning facility when he purchased his property. He informed the Board that Mr. Riddle represents Mr. Thomas Eckrich (the "sausage king") and that Mr. Riddle has tried to "intimidate" him into withdrawing his application. He informed the Board that he understands that Mr. Eckrich owns Square I and Square II and he submitted pictures of that property (Exhibit A-3), stating that his proposal will be an improvement to the area. An artist's rendering was submitted to indicate how the building will look (Exhibit A-4). Mr. Lucenta informed that he was never a party to the PUD under application on the adjacent property and did not have to "withdraw" from it; rather, he wrote letters informing the staff of INCOG that he did not consent to his property being involved in the PUD. He had a witness to that effect. He informed that the purpose of the small building existing on the subject property is to recover some of his losses until the new building is approved and completed. As far as the chemicals being a hazard to the area, the equipment Royal Cleaners will be using will control emission down to 50 parts per million. He submitted a list of Sheridan Pond residents who are currently patronizing Royal Cleaners (Exhibit A-5). In answer to questions by the Board, Mr. Lucenta informed that the chemical used in dry cleaning is not handled or stored on the facility. The tank trunks back up to the valves and fill the machines. The soaps and starches are non-volatile and will be stored inside. There will be no outside storage.

Additional Comments:

Mr. Riddle added that Mr. Eckrich owns no commercial property anywhere in the United States; Square I and II belong to Paragon.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 1-3-0 (Clugston, "aye"; Chappelle, Purser, Smith, "nay"; no "abstentions"; Victor, "absent") to APPROVE* a Special Exception (Section 710--Principal Uses Permitted in the Commercial Districts--Under the Provisions of Use Unit 1215) to allow a dry cleaning facility in a CS zoned district under the provisions of Section 1680; and a Variance (Section 1215--Under the Provisions of Use Unit 15--Other Trades and Services) of the 1500 sq. ft. of floor area for a dry

Case No. 13273 (continued)

cleaners; subject to Health Department approval; per plot plan submitted.

***This motion failed due to a lack of three affirmative votes.**

On MOTION of PURSER and SECOND by CLUGSTON, the Board voted 3-1-0 (Chappelle, Purser, Smith, "aye"; Clugston, "nay"; no "abstentions"; Victor, "absent"). to **DENY** a **Variance** (Section 1215--Under the Provisions of Use Unit 15--Other Trades and Services) of the 1500 sq. ft. of floor area for a dry cleaners (on the basis that no hardship, other than economical, was found); and **CONTINUE** the balance of the application to allow the applicant time to design plans for the facility that will meet the area requirements; on the following described property:

Two acres more or less, beginning at a point 208.72' south of the northeast corner, Section 15, T-18-N, R-13-E, thence south 208.71', thence west 417.42' thence north 208.71', thence east 417.42' to the point of beginning, also known as 81st and Sheridan (south of the Southwest corner, measured to the center of the roadway).

Date Approved

11/15/84

Chairman

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 zoned 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 Off-Street Parking Areas--Request a variance of the location of the required screening, located on the NW/c of Charles Page and Nogales.

Presentation:

The applicant, Daniel Buford, was not present.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to **DENY** a **Special Exception** (Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1217--Request an exception to allow a car wash in a CS zoned district under the provisions of Section 1680; and to **DENY** a **Special Exception** (Section 410--Principal Uses Permitted in the Residential Districts) to allow off-street parking in an RM-2 zoned district; and to **DENY** a **Variance** (Section 730--Bulk and Area Requirements in the Commercial Districts) of the 100' setback from the centerline of Charles Page Boulevard to 50'; and to **DENY** a **Variance** (Section 1340--Design Standards for Off-Street Parking Areas--Request a variance of the location of the required screening; on the following described property:

Lots 5, 6, and 7, Block 2, Crosbie Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13322

Action Requested:

Variance--Section 930--Bulk and Area Requirements in the Industrial Districts--Request a variance of the required 50' of frontage to 0' in an IM zoned district under the provisions of Section 1670, located E. of SE/c of Utica and 7th Street.

Presentation:

The applicant, Jim Williamson, 1736 South Carson, (Attorney for Hurley Smith, et al.) could not be present, but was represented by

Case No. 13322 (continued)

his partner, Curtis Parks. Mr. Parks informed the Board that the case was heard at the October 4, 1984 meeting and was continued until the October 18, 1984 meeting to allow the applicant time to meet with the Fire Marshal. On October 18, 1984, Mr. Williamson requested a continuance to allow them time to resolve their differences with Sigler Sales and Service (protestants). At this time, those differences have been resolved and Mr. Parks submitted a plot plan (Exhibit B-1) which meets the 30' setback from the north property line recommended by the Fire Marshal. He informed that this plan is favorable to the protestant. He reminded the Board that this property was subdivided prior to the Zoning Ordinance and his client is asking only that he be allowed to reinstate the former use (the building was destroyed by fire in May, 1984).

Protestants: None

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to **APPROVE** a **Variance** (Section 930--Bulk and Area Requirements in the Industrial Districts) of the required 50' of frontage to 0' in an IM zoned district under the provisions of Section 1670; per plot plan submitted; finding that due to the existence of the lot before the Zoning Ordinance, the literal enforcement of the terms of the Code would result in unnecessary hardship, and that the variance will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan: on the following described property:

The south 100' of the East Half of Lot 15, Central Place Subdivision, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13324

Action Requested:

Special Exception--Section 910--Principal Uses Permitted in the Industrial Districts--Use Units 1212, 1213 and 1214--Request an exception to allow eating places, convenience goods and services, and shopping goods and services in an IL zoned district under the provisions of Section 1680, located E. of SE/c of 122nd E. Avenue and 51st Street.

Presentation:

The applicant, Stanley Hall, 12210 East 52nd Street, Tulsa, Oklahoma, 74146, of Midway Development Company, was represented by Attorney Roy Johnsen, 324 Main Mall, Suite 900, Tulsa, Oklahoma, 74103. Mr. Johnsen informed that his client's proposal is to develop the subject tract into a restaurant/retail park. This park is part of a larger industrial development and his client proposes that this use is insular, and supports the industrial uses.

11.01.84:425(7)

Case No. 13324 (continued)

Protestants: None

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 3-0-0 (Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, Victor; "absent") to **APPROVE** a **Special Exception** (Section 910--Principal Uses Permitted In the Industrial Districts--Use Units 1212, 1213 and 1214) to allow eating places, convenience goods and services, and shopping goods and services in an IL zoned district under the provisions of Section 1680; per plot plan submitted; finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; on the following described property:

All that part of Lot 2, Block 1, Business Commons at Metro Park, a resubdivision of part of Lot 1, Block 4, Metro Park, an addition to the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at the northwest corner of said lot 2, thence S89°49'03" E. along the north boundary of said lot 2 a distance of 418.40 feet; thence S00°10'57" W. a distance of 348.72 feet; thence on a curve to the right having a radius of 100.00 feet a distance of 54.02 feet; thence S31°07'57" W. a distance of 18.96 feet to a point in the southwesterly boundary of said Lot 2; thence along the boundary of said Lot 2 as follows: N 58°52'03" W. a distance of 132.89 feet; along a curve to the left having a radius of 330.00 feet a distance of 256.29 feet, S. 76°38'05" W. a distance of 33.20 feet; N00°01'25" W. a distance of 318.04 feet to THE POINT OF BEGINNING containing 140,512 square feet, or 3.22572 acres, more or less.

Case No. 13329

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1215--Request an exception to allow a wholesale bakery in a CS zoned district under the provisions of Section 1680, located E. of NE/c of Harvard and 51st Street.

Presentation:

The applicant, Brooklyn Bagel Company, 6710 South Peoria, #1338, Tulsa, Oklahoma, 74136, was not represented; however, Attorney Roy Johnsen requested that the case be continued until November 15, 1984.

Protestants: None

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions";

Case No. 13329 (continued)

Clugston, Victor, "absent") to CONTINUE Case No. 13329 until November 15, 1984.

Case No. 13330

Action Requested:

Special Exception--Section 910--Principal Uses Permitted in the Industrial Districts--Use Unit 1219--Request an exception to allow a military crew quarters (motel) in an IL zoned district, located at the Tulsa International Airport.

Presentation:

The applicant, D. J. Hartz, P.O. Box 51141, Tulsa, Oklahoma, 74151, was not present, but requested by letter (Exhibit D-1) that the case be continued until November 15, 1984.

Protestants: None

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to CONTINUE Case No. 13330 until November 15, 1984.

Case No. 13331

Action Requested:

Request an appeal of the Building Inspector's office denial to permit an outdoor advertising structure within 750' of another sign, located E. of NE/c of 11th Street and 73rd East Avenue.

Presentation:

The applicant, Donrey Outdoor Advertising, 7777 East 38th Street, Tulsa, Oklahoma, 74145, made a verbal request that Case No. 13331 be withdrawn.

Protestants: None

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Clugston, Victor, "absent") to WITHDRAW Case No. 13331.

Case No. 13334

Action Requested:

Variance--Section 730--Bulk and Area Requirements in the Commercial Districts--Use Unit 1216--Variance of the 110' setback from the centerline of Yale to 93' and of the 100' setback from the centerline of E. 31st Street to 90' all to permit construction of a gasoline station in a CS zoned district; and a

Case No. 13334 (continued)

Variance--Section 380--Structure setback from abutting streets--Request a variance of the 60' structure setback from the centerline of Yale to 53' to allow a sign, located on the SW/c of 31st Street and Yale.

Presentation:

The applicant, Phillips Petroleum Company, 101 North Robinson, Oklahoma City, Oklahoma, 73102, was not represented. Arlen Allison, a representative of the company, requested by phone that the case be heard in his absence, since the facts were presented on October 18, 1984. Ricky Jones (staff) read the notes from the phone call, which acknowledged the need for a removal contract.

Protestants: None

Comments and Questions:

Mr. Gardner informed that the applicant needs no additional relief of the setback and reiterated that the hardship presented is that the City has more right-of-way than is actually needed at that location. However, any motion should be subject to a removal contract for the sign.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 3-0-1 (Chappelle, Clugston, Purser, "aye"; no "nays"; Smith, "abstaining"; Victor, "absent") to APPROVE a Variance (Section 280--Structure setback from abutting streets) of the 60' structure setback from the centerline of Yale to 53' to allow a sign; subject to a removal contract; per plot plan submitted on October 18, 1984/Exhibit B-1; finding that the variance requested will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the Code, or the Comprehensive Plan; and finding that the literal enforcement of the terms of the Code would result in unnecessary hardship to the applicant, due to excess of City right-of-way at that location; on the following described property:

A part of the NE/4 of the NE/4 of the NE/4 of Section 21, T-19-N, R-13-E of the Indian Base and Meridian in Tulsa County, State of Oklahoma, being described by metes and bounds as follows: Commencing at the Northeast corner of Section 21, said point being the centerline intersection of East 31st Street South and South Yale Avenue, thence due South along the East line of Section 21 and the centerline of South Yale Avenue a distance of 60.00 feet, thence N89°49'29" W. parallel with the North line of Section 21 a distance of 50.00 feet to the Point of Beginning; thence due South parallel with and 50.00 feet perpendicularly distant from the East line of Section 21 a distance of 140.00 feet, thence N89°49'29" W. a distance 155.00 feet, thence due North a distance of 150.00 feet to a point on the South right-of-way line of East 31st Street South, thence S89°49'29" E. parallel with and 50.00 feet perpendicularly distant from the North line of Section 21 a distance of 132.00

Case No. 13334 (continued)

feet, thence S66°21'16" E. a distance of 25.11 feet to the point of beginning and containing 23,134.89 square feet or 0.5311 acres more or less.

Case No. 13350

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1215--Request an exception to permit a guttering and roofing establishment in a CS zoned district; and a

Variance--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1225--Request a variance to allow a guttering and roofing establishment in a CS zoned district, located E. of NE/c of 107th E. Avenue and 11th Street.

Presentation:

Attorney Roy Johnsen, 324 Main Mall, Suite 900, Tulsa, Oklahoma, 74103, represented Dixon Roofing. He informed that the application was heard on October 18, 1984 and was continued to allow readvertisement to include the use variance. He explained to the Board that the basic nature of 11th Street is more industrial than residential at this location and that these uses developed in the past create a hardship for his clients in developing their land according to the Zoning Code.

Board Action:

On MOTION of PURSER and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, Victor, "absent") to STRIKE the **Special Exception** (Section 710--Principal Uses Permitted in the Commercial Districts--Under the Provisions of Use Unit 1215) to permit a guttering and roofing establishment in a CS zoned district, finding that Use Unit 25 was more appropriate; and to APPROVE a **Variance** (Section 710--Principal Uses Permitted in the Commercial Districts--Under the Provisions of Use Unit 1225) to allow a guttering and roofing establishment in a CS zoned district; per plot plan submitted; finding that due to the unusual circumstances of the land (in regard to the way the flood plain developed), the literal enforcement of the Code would result in unnecessary hardship to the applicant; and based on the former development on 11th Street, regard this development as an improvement to the area; on the following described property:

The South 300' of Lot 8, Block 2, East Eleventh Park Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13367

Action Requested:

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Use Unit 1206--Request a variance of the lot width from 60' to 50' and of the lot area from 6900 sq. ft. to 6890 sq. ft. to permit a lot split in a RS-3 zoned district, located on the SW/c of W. 48th Street and Waco Avenue.

Presentation:

The applicant, Jim Nance, 6512 W. 34th Street, Tulsa, Oklahoma, 74107, was not present.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 3-0-0 (Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, Victor, "absent") to CONTINUE Case No. 13367 until November 15, 1984.

NEW APPLICATIONS:

Case No. 13354

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Industrial Districts--Use Unit 1227--Request an exception to permit a salvage operation in an IM zoned district, located N. of NW/c of Apache and Madison.

Presentation:

The applicant, H. E. Lahmeyer, 6731 East Oklahoma Street, informed the Board that he has been in operation at the present location for 25 years. He recently filed for a state license, which would allow him to bid in the insurance pool. He was told at that time that the motorcycle salvage yard in existence required a special exception by this Board. He stated that he will not be changing his business, rather continuing the same business that he has been in for 25 years.

Comments:

Mr. Jackere informed that Mr. Lahmeyer may have a nonconforming use on his property, since the salvage yard may pre-date the Ordinance.

Protestants:

Napolean Fowler, 1007 East 27th Street North, informed that the notice he was sent stated that Mr. Lahmeyer intends to put a "salvage" yard on his property. Mr. Fowler stated that he does not oppose the existing use, although the "go-cart" races on Saturdays and Sundays are noisy. Also, the traffic is congested on the weekends. In answer to a question from Ms. Purser, Mr. Fowler

Case No. 13354 (continued)

Informed that there is another salvage yard approximately 1/2 mile from the subject property. He stated that he does oppose additional automobile salvage at the location. He requested that if additional property is to be covered with salvage, a screening fence be required.

James Beard, 1020 East 27th Street North, informed that he also thought Mr. Lahmeyer would be putting an automobile salvage yard on the location. He stated that he has no objection to the "go-cart" and motorcycle salvage existing. He would be in opposition to any automobile salvage on the property.

Additional Comments:

Mr. Gardner informed that there are a few old cars on the property now, but that the applicant does not intend to sell automobile salvage. He dismantles motorcycles and go-carts on the property and stores the parts for resale.

Mr. Jackere suggested that the Board might need further proof that the motorcycle salvage is nonconforming. Mr. Lahmeyer is advertised for a large piece of property and he may not intend to use the entire area for salvage. He suggested that Mr. Lahmeyer come back before the Board with a definite location for the salvage yard.

Mr. Gardner suggested that the staff can field check the property and help Mr. Lahmeyer decide what portion of the property should be approved for salvage.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to CONTINUE Case No. 13354 until November 15, 1984.

Case No. 13355

Action Requested:

Use Variance--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1207--Request a use variance to permit duplexes in an RS-2 zoned district, located E. of NE/c of 57th and Lewis Avenue.

Presentation:

The applicant, Mahoney Construction Company, 3049 W. 57th Street, Tulsa, Oklahoma, was represented by James Mahoney (President), 304 W. 9th Street. He submitted a portion of a survey map of the area and described the area to the Board (Exhibit E-1). He explained that when Southern Hills Manor Addition was platted, there were no flood districts. The Addition was placed in the flood district and then removed. The city stopped development in the area while they improved the drainage on Joe Creek, and now the property is cleared for development. He informed the Board that his property has five

Case No. 13355 (continued)

times the area required for apartment density. He informed that there are easements on all four sides of the property which are imposed by the City due to the channelization project. There is a PUD pending on the RS-3 zoning to the southwest of the subject property and there will be townhouses there. He informed that his property is landlocked.

Comments and Questions:

Mr. Smith asked Mr. Gardner what was on the front of the PUD. Mr. Gardner informed that an office building is on the front, with the north 40' being landscaping to provide a buffer. There are townhouses on the back of the PUD, but there will be a screening fence between this property and the RS-2 district to the north.

Mr. Clugston asked Mr. Mahoney why he did not want to build three single-family dwellings. Mr. Mahoney informed that the property has been for sale since June, 1984 as single-family lots, and he has been unable to sell them. He felt he would be able to sell it faster if it is zoned for duplexes.

Protestants:

Bill Miller, 2536 East 57th Street, informed that he enjoys the large yard provided by the subject property since the City cut down the trees. However, the subject property has been used as a dump, as an open storm sewer, and as storage for trucks. He informed that this property is surrounded by single-family dwellings, to which duplexes do not conform. He stated his concern about the increased traffic this development will create on their cul-de-sac. He informed that duplex-type rental property attracts "transient" families who are undesirable to this settled neighborhood. Mr. Miller submitted a petition of 24 immediate property owners in protest of this application (Exhibit E-2), which stated that, "the proposed variance will violate the integrity and continuity of a single-family dwelling neighborhood by placing duplexes in the center of the established neighborhood rather than using duplexes in their conventional role as a buffer from a non-single family zoning to a single-family zoning."

Jane Wiseman, 2528 East 57th Street, Tulsa, Oklahoma, informed that the only access to the cul-de-sac will be down 57th Street and there are already twelve to fourteen houses on the block. There have been problems with flooding at that end of the street, and she expressed concern that this type of development would reroute the flood water. She informed that the property has been undeveloped for the 13 years she has been a resident of the neighborhood, and she was in favor of improving it. Her question is, why duplexes? There are no duplexes in close proximity. She requested denial of the application.

Julian L. Dawson, 2542 East 56th Place, Tulsa, Oklahoma, objected to the proposed duplexes on the basis that there are none in the immediate neighborhood.

Case No. 13355 (continued)

Howard Arle, 2557 East 57th Street, Tulsa, Oklahoma, informed that he built his home in 1954 and has enjoyed the neighborhood's privacy since that time. He feels that building duplexes on the cul-de-sac would create more traffic and more noise, and stated that he is opposed to the application.

Applicant's Rebuttal:

Mr. Mahoney informed that the streets were not allowed to go through the subject property at the City's request, and that has caused considerable hardship. He informed that in the RS-3 district to the south, condominiums are allowed by right.

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to **DENY** a Use Variance (Section 410--Principal Uses Permitted in the Residential Districts--Under the Provisions of Use Unit 1207) to permit duplexes in an RS-2 zoned district; finding that the applicant **has not met the burden of proof** to show that the literal enforcement of the terms of the Code would result in unnecessary hardship; on the following described property:

TRACT "A"

A portion of Lot 4, Block 2, Amended Southern Hills Manor Addition, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof and a portion of the street easement vacated in District Court Case #84-2838, being more particularly described as follows to-wit: Beginning at the Northwest corner of said Lot 4, thence North $89^{\circ}55'18''$ East a distance of 95 feet to a point; thence South $89^{\circ}59'25''$ East a distance of 155 feet to a point; thence due West a distance of 95 feet to a point; thence North $0^{\circ}01'35''$ West a distance of 155 feet to the point of beginning. The South 10 feet of the above described TRACT "A" is reserved as a private road easement for the rights of ingress and egress to the abutting property owners.

TRACT "B"

A portion of Lot 4, Block 2, Amended Southern Hills Manor Addition, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof and a portion of the street easement vacated in District Court, Case #84-2838, being more particularly described as follows to-wit: Beginning at the Northeast corner of said Lot 4, thence due South a distance of 42.33 feet to a point; thence South $46^{\circ}31'06''$ west a distance of 124.72 feet to a point; thence South $38^{\circ}38'01''$ West a distance of 47.61 feet to a point; thence due West a distance of 32.39 feet to a point; thence North $0^{\circ}01'35''$ West a distance of 165 feet to a point; thence North $89^{\circ}55'18''$ East a distance of 152.60 feet to the point of beginning.

Case No. 13355 (continued)

TRACT "C"

A portion of Lots 1 and 2, Block 7, Amended Southern Hills Manor Addition, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof and a portion of the street easement vacated in District Court, Case #84-2838, being more particularly described as follows to-wit: Beginning at the Southwest corner of said Lot 2, thence North $0^{\circ}01'35''$ West a distance of 165 feet to a point; thence due East a distance of 95 feet to a point; thence South $89^{\circ}59'25''$ East a distance of 10 feet to a point; thence due East a distance of 32.39 feet to a point; thence South $38^{\circ}38'01''$ West a distance of 199.99 feet to a point; thence North $62^{\circ}41'51''$ West a distance of 2.67 feet to the point of beginning. The North 10 feet of the West 95 feet of the above described TRACT "C" is reserved as a private road easement for the rights of Ingress and egress to the abutting property owners.

Case No. 13356

Action Requested:

Special Exception--Section 630--Bulk and Area Requirements in the Office Districts--Use Unit 1211--Request an exception to increase the floor area ratio from 30 percent to 40 percent for a clinic in an OL and CS zoned district; and a

Variance--Section 630--Bulk and Area Requirements in the Office Districts--Request a variance of the 100' setback from the centerline of Utica to 65' and a variance of the one-story building height to two stories to permit construction of a clinic; and a

Variance--Section 730--Bulk and Area Requirements in the Commercial Districts--Request a variance of the 30' setback from an abutting R district to 20'; and a

Variance--Section 1211.4--Off-Street Parking and Loading Requirements--Request a variance of the 25 required parking spaces to 20 spaces, located on the SE/c of 14th Place and Utica.

Presentation:

Stuart Nyander, 717 South Houston, Tulsa, Oklahoma, 74127, of HTB, Inc., represents Lofly L. Basta, M.D. in his proposal to build a Cardiovascular Clinic to be located on the Southeast corner of South Utica Place and 14th Place. He submitted plans (Exhibit F-1) including his client's proposal, a site plan and an artist's rendering of the project. He described his client's proposal to build a two-story structure which will provide storage of records in the basement. Due to the fact that the basement will be storage, Mr. Nyander requests that it not be included in the square footage for required parking. He explained that he has gone to great lengths to find a suitable plan to allow this facility on this piece of property and compelled the Board to understand that the office building will meet the required parking, unless the basement is added to the area of the building.

Case No. 13356 (continued)

Protestants:

Martha Gregory, 1419 South Zunis, represented Neighborhood Awareness. She submitted a petition from 50 area residents (Exhibit F-2) protesting the proposed variance on parking requirements. She submitted photographs of the area (Exhibit F-3) and described the heavy street parking that already exists in front of the subject property. She expressed concern for the children of the area due to the continuous flow of traffic. Ms. Gregory stated that the plans presented for this proposed office building indicate a large staff, whose cars will occupy many of the required parking, leaving a problem for the patients who will be in a hurry to get to an appointment. She informed that parking is not permitted on 14th Street, 15th Street, nor on Utica Avenue, and that the proposed entrance on 14th Place will congest a residential street. She presented a zoning map and indicated that the area is fragile and the Board should prevent over-crowding of land.

Mark Krawczyk, 1711 East 14th Place, informed that he wants to see the property developed properly. He stated that the proposed building is aesthetically pleasing and would be an asset to the area, but he is in protest of any building that cannot adequately provide the required off-street parking. In his opinion this building is too large for this piece of property and he suggested that if the applicant needs that much office space, he should build on a piece of property that allows ample room for parking. He mentioned that he is concerned for the safety of the small children in the area, since he has a young son.

Bruce Bolzle, 3164 South Owasso, informed that he owns several office and medical developments in the 15th and Utica area, as well as an apartment project at 14th and Troost, which is within 300' of the subject property. He stated that in developing these properties, he took into consideration the affect it would have on the residential areas. He suggested that this building should be designed in such a way that these variances are not necessary, and if it cannot be done as such, it is too large for the land. A letter was submitted stating his protest (Exhibit F-4).

Bruce R. Magoon, 1419 South Utica, Tulsa, Oklahoma, 74152, submitted a letter of protest (Exhibit F-5). He is the owner of Magoon and Associates, Inc., Insurance Specialists. He was not present.

Applicant's Rebuttal:

Mr. Nyander informed the Board that he has not had opportunity to address these complaints, since he has just heard them for the first time. He informed that the lot is long and narrow, and fronts on Utica. The building was designed so that the basement is used for the storage of records and to house the elevator equipment.

Additional Comments:

Ms. Purser pointed out that the basement should be included in the area, because in a regular office building, the records would be

Case No. 13356 (continued)

stored on the same floors as the office buildings, and nothing is deducted for that space.

Mr. Clugston asked Mr. Nyander if there will be parking to the rear of the building. Mr. Nyander informed him that there will be parking to the side and the rear of the building. Mr. Clugston wondered why the building could not be turned to a different angle to allow more parking on the ground. He was informed that the building was designed to get the maximum use of the land, while providing an aesthetically pleasing building.

The Board discussed the possible problems that could arise in the future if the building were sold, with the limited parking.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Victor, "absent") to **CONTINUE** Case No. 13356 until November 15, 1984, to allow the applicant time to negotiate with the protestants.

Case No. 13357

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 zoned district; and a

Variance--Section 730--Bulk and Area Requirements in the Commercial Districts--Request a variance of the 100' setback to 94.5' from the centerline of 36th Street North to permit construction of a car wash, located on the NW/c of 36th Street North and Peoria.

Presentation:

The applicant, W. H. Springhower, 1238 West 41st Street, informed that there is a mistake on the request. He submitted a plot plan and described it to the Board (Exhibit G-1). He informed that there is a variety store/liquor store combination existing on the subject property. (Mr. Gardner informed there was previously a marine accessory store under Use Unit 17).

Protestants: None

Comments and Questions:

Mr. Smith asked the applicant if there will be a full-service or self-service gasoline pump. The applicant replied that there will be a self-service pump.

Mr. Gardner informed that the existing buildings set back 94.6' and if the car wash is to be added in front of those, the applicant is

Case No. 13357 (continued)

Improperly advertised. There was discussion about what variance would be necessary for the plans submitted.

Ms. Hubbard informed the Board that the plans submitted to the Building Inspector's office showed the existing buildings as the proposed project.

Board Action:

On MOTION of PURSER and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, Victor, "absent") to CONTINUE Case No. 13347 until November 15, 1984, to allow the applicant time to readvertise for the proper relief and time to submit appropriate plans to the Building Inspector's office.

Case No. 13358

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in Residential Districts--Use Unit 1209--Request an exception to permit a mobile home in an RS-3 zoned district; and a

Variance--Section 440.6--Special Exception Uses in Residential Districts, Requirements--Request a variance of the one-year time limitation for a mobile home to permanently, located W. of SW/c of New Haven Avenue and Newton Court.

Presentation:

The applicant, Lester Roberts, 1242 North New Haven, informed that the mobile home was approved last year for one year, and he wants to install it permanently to use as rental property. He informed the Board that it has not been set on a permanent foundation, yet. There are no other mobile homes in the immediate area.

Protestants: None

Comments and Questions:

Mr. Clugston asked Mr. Roberts if the mobile home is skirted and leveled. Mr. Roberts replied that he has not done that, and is waiting to see if it will be allowed for a longer time period before making that investment.

Mr. Gardner informed that as a rule the Board should enforce a time restriction on mobile homes, unless there is something unique about the land. He noted that to the west of the subject property there is an open field and to the north there is industrial zoning.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 2-1-0 (Clugston, Purser, "aye"; Smith, "nay"; no "abstentions"; Chappelle, Victor, "absent") to APPROVE* a Special Exception (Section 410--Principal Uses Permitted in the Residential Districts--Under

Case No. 13358 (continued)

the Provisions of Use Unit 1209) to permit a mobile home in an RS-3 zoned district; and a **Variance** (Section 440.6--Special Exception Uses in Residential Districts, Requirements) of the one-year time limitation for a mobile home to three years; subject to skirting, Health Department approval and a Building Permit.

This motion was **DENIED** due to a lack of three affirmative votes.

On MOTION of PURSER and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, Victor, "absent") to **APPROVE** a **Special Exception** (Section 410--Principal Uses Permitted in the Residential Districts--Under the Provisions of Use Unit 1209) to permit a mobile home in an RS-3 zoned district; and to **DENY** a **Variance** (Section 440.6--Special Exception Uses in Residential Districts, Requirements) of the one-year time limitation for a mobile home to permanently; subject to a one-year time limitation with a Removal Bond; and subject to Health Department approval and a Building Permit; on the following described property:

The E/2, E/2, NW/4, SE/4, NW/4, of Section 33, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13359

Action Requested:

Use Variance--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1205--Request a use variance to permit selling hand tools from a residential garage in an RS-3 zoned district, located on the SW/c of Pine and Kingston Place.

Presentation:

The applicant, Phillips Morgans, 2719 E. Latimer Court, Tulsa, Oklahoma, 74110, was not present. He informed by letter (Exhibit 1-1) that he is a member of the Oklahoma Army National Guard, and has received active duty papers requiring him to be out of town on November 1, 1984. He requested that the case be continued until November 15, 1984.

Protestants:

Mrs. W. D. Fort, 1512 North Kingston Place, Tulsa, Oklahoma, 74115, was present and informed that she is in opposition to this application.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Clugston, Victor, "absent") to **CONTINUE** Case No. 13359 until November 15, 1984.

Case No. 13360

Action Requested:

Variance--Section 930--Bulk and Area Requirements in the Industrial Districts--Use Unit 1215--Request a variance of the 75' setback from an abutting "R" district to 10' to permit construction of a building in an IL (pending) zoned district, located N. of NE/c of 61st Street and 107 E. Avenue.

Presentation:

The applicant, Preaus Landscape of Tulsa, 2535 E. 55th Place, was represented by Ken Preaus, 1315 50th Street, Tulsa, Oklahoma, who informed that the variance necessary would be from 75' to 30', instead of to 10' as requested. He submitted a plot plan (Exhibit J-1) and discussed it with the Board.

Protestants: None

Comments and Questions:

Mr. Gardner informed that the subject property is approximately 160' across and in order to build anything on the property when the zoning changes, it will need some type of relief.

Board Action:

On MOTION of PURSER and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, Victor, "absent") to **APPROVE** a **Variance** (Section 930--Bulk and Area Requirements in the Industrial Districts--Under the Provisions of Use Unit 1214) of the 75' setback from an abutting "R" district to 30' to permit construction of a building in an IL (pending) zoned district; per plot plan submitted; finding that the literal enforcement of the terms of the Code and the Comprehensive Plan would result in unnecessary hardship since 150' of setback is required and the property is 160.23' wide; on the north and south sides of the following described property:

Lot 12, Block 1, Golden Valley Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13361

Action Requested:

Variance--Section 930--Bulk and Area Requirements in the Industrial district--Use Unit 1215--Request a variance of the 150' frontage to 125' to permit a lot split in an IL zoned district, located on the NW/c of 54th Street and Mingo Road.

Presentation:

The applicant, Jack Anderson, Suite 305 Union Center, 9 East Fourth Street, Tulsa, Oklahoma, 74103, requested by letter (Exhibit K-1) that his client's request be heard on November 15, 1984, so that it will be heard by the TMAPC first.

Protestants: None

Case No. 13361 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by PURSER, the Board voted 3-0-0 (Chappelle, Purser, Smith, "aye"; no "nays"; no "abstentions"; Clugston, Victor, "absent") to CONTINUE Case No. 13361 until November 15, 1984.

Case No. 13362

Action Requested:

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD, and RM Districts--Use Unit 1206--Request a variance of side yard setback from 5' to 3' to permit construction of a dwelling in an RS-3 zoned district, located S. of SW/c of 12th Street and 76 E. Avenue.

Presentation:

The applicant, Jeff Davis, 1307 South 77th East Avenue, explained that his father owns Lots 1 and 2, Block 7, Eastmoor Park Addition to the City of Tulsa. There is an existing dwelling on lot 1, and he proposes to build a house on lot 2. The variance request is for the side yard that abuts lot 1. The lots are 50' wide and 132.65' deep, and in order to use the land efficiently, the house needs to be positioned per plot plan (Exhibit L-1). A subdivision plat was submitted (Exhibit L-2).

Protestants:

Geneva Aguilar, 1208 South 76th East Avenue, submitted a petition in protest of the proposed building plans under application (Exhibit L-3). She explained that the subject property is a source of drainage problems to the neighborhood and if a house is built there, it could possibly reroute the water into her home. She submitted photographs of standing water (Exhibit L-4). She informed that she is opposed to the crowding of homes since most of the residents bought double lots. Her home is 23' from the property line on a double lot.

Jeff Jackson, 1211 South 76th East Avenue, informed that his home received the runoff from lot 1 during a recent flood and extensive damage was done. He informed that he opposes the variance based upon the potential displacement of rainwater.

L. T. Harrison, 1331 South 76th East Avenue, stated his opposition to the request due to potential flooding.

Comments and Questions:

Mr. Smith informed the protestants that the land use is not under application. Mr. Davis can build a home there by right. The variance is to allow the house to sit closer to the south property line than the Code allows.

Applicant's Rebuttal:

Mr. Davis informed that building a house on the subject property will not affect the rainfall in the area, and that once the lot is graded to begin construction, drainage will improve.

Case No. 13362 (continued)

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 3-0-0 (Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, Victor, "absent") to APPROVE a Variance (Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Under the Provisions of Use Unit 1206) of the side yard setback from 5' to 3' to permit construction of a dwelling in an RS-3 zoned district; subject to a hydrology report and a drainage report including Blocks 7 and 8 of Eastmoor Park Addition to the City of Tulsa, Tulsa County, Oklahoma; per plot plan submitted; finding that the variance requested will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; on the following described property:

Lot 2, Block 7, Eastmoor Park Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13363

Action Requested:

Special Exception--Section 910--Principal Uses Permitted in the Industrial Districts--Under the Provisions of Use Unit 1227--Request an exception to allow a salvage yard in an IM zoned district, located S. of SE/c of Archer Place and 25 W. Avenue.

Presentation:

The applicant, Gene Paddock, 125 Soth 25th West Avenue, informed the Board that he wishes to continue using the subject property as a salvage yard and requests that the special exception be granted. He does not wish to increase the size of the salvage operation, merely to maintain it as it has been.

Protestants: None

Comments and Questions:

Mr. Clugston asked Mr. Paddock if he is aware of the screening requirements imposed on salvage operations. Mr. Paddock informed that he is aware that he will need to screen his property from abutting residentially zoned districts and highways.

After discussion about the legal description provided the staff, the Board concluded that the property advertised belongs to the County.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 3-0-0 (Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, Victor, "absent") to CONTINUE Case No. 13363 until November 29, 1984 to allow the staff time to evaluate the legal description.

Case No. 13364

Action Requested:

Variance--Section 430.2--Bulk and Area Requirements In the RMH Districts--Use Unit 1209--Request a variance to permit development of a mobile home park on a lot by lot basis in an RMH zoned district, located 1/4 mile W. 30th Street N. and Sheridan Road.

Presentation:

The applicant, Bill Wilkins, 7955 South 69th E. Avenue, submitted a copy of Section 430.1 of the Code (Exhibit M-1) and explained that his hardship is economical. He has 11 acres under development, and was told by the City Inspector (Parsons) that he must complete the facility as a whole before it can be inspected (i.e. pads, utilities, streets, etc.). He informed that he cannot afford the whole project at once. He read from the Code that a minimum of 5 acres is required to develop a mobile home park and requested permission to proceed on a lot-by-lot basis. He informed that the "pedestals" he needs to complete the work are on back order. Mr. Parsons offered to sell them to him at an elevated price.

Protestants: None

Board Action:

Mr. Jackere informed that if Mr. Parsons offered to sell the pedestals to Mr. Wilkins, a conflict of interest is involved and should be looked into. He further stated that he cannot find the Zoning Code provision from which relief is being sought. He suggested that the case be continued to allow time to look into these matters.

Mr. Gardner informed the Board that the ordinance was changed after a situation where the lots were developed separately and before the park was completed, the owner closed it down. It leaves a partially developed mobile home park with no other use. He explained that the applicant is only responsible for the pads and risers (main utility outlets) in order to meet the requirements for inspection.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 3-0-0 (Clugston, Purser, Smith, "aye" no "nays"; no "abstentions"; Chappelle, Victor, "absent") to CONTINUE Case No. 13364 until November 15, 1984 to allow the Legal Department time to investigate propriety.

Case No. 13365

Action Requested:

Variance--Section 930--Bulk and Area Requirements In the Industrial Districts--Use Unit 1215--Request a variance of the 100' setback from the centerline of 51st Street to 85' to permit the construction of a greenhouse, located on the NE/c of 51st Street and 101 East Avenue.

Case No. 13365 (continued)

Presentation:

The applicant, T. Ross Flood, was represented by Gary McDonald, 1000 Atlas Life Building, Tulsa, Oklahoma. Mr. McDonald informed that Mr. Flood is in the wholesale plant business and is proposing to build 18 new greenhouses on the subject property. In order to complete the project as designed, a variance of 15 feet is necessary. In answer to a question by the Board, Mr. Flood informed that the project is under construction; however, none of the buildings under construction violate the Code.

Protestants: None

Interested Parties:

T. Ross Flood described the plans and submitted a site plan (Exhibit N-1). The plan was devised to maximize the use of sunlight so that the plants may be well maintained. Any deviation from the site plan will not offer the best use of sunlight. He requested that the variance be granted. He explained that there are nonconforming buildings all along 51st Street in this area which do not meet the setback requirements. He informed that his greenhouses will line up with those buildings. In answer to a question by the Board, Mr. Flood explained that the front of the subject property will be a well-maintained green area.

Board Action:

On MOTION by PURSER and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, Victor, "absent") to **APPROVE** a **Variance** (Section 930--Bulk and Area Requirements in the Industrial Districts--Under the Provisions of Use Unit 1215) of the 100' setback from the centerline of 51st Street to 85' to permit the construction of a greenhouse; finding that the other buildings on 51st street encroach the right-of-way in this area and that literal enforcement of the Code would result in unnecessary hardship to the applicant (i.e. 51st Street tapers the frontage of the subject property); subject to the site plan submitted; on the following described property:

Block 52, less south 25' of Lots 21-24, Alsuma Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13366

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 side yard setback from 5' to 3' to permit a carport in an RS-2 zoned district; and a

Variance--Section 240.2(e)--Permitted Yard Obstructions--Request a variance to permit an 1100 sq. ft. detached accessory building, located at 1828 East 32nd Place.

Case No. 13366 (continued)

Presentation:

The applicant, Gary Thomas, 1828 East 32nd Place, was represented by Mark Merchant, 2317 West Louisville, Broken Arrow, Oklahoma, 74012. Mr. Merchant submitted a plat of survey (Exhibit 0-1) and a plot plan (Exhibit 0-2), stating the applicant's intention to remodel his home. The existing attached garage is 2.9' from the property line and will be removed in the remodeling. The proposed garage will be detached and requires a variance. The proposed remodeling will encroach less into the sideyard setback than the original building, to 3.5' from the property line. Photographs were submitted (Exhibit 0-3).

Protestants: None

Board Action:

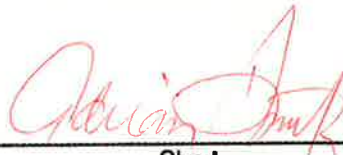
On MOTION of PURSER and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions"; Chappelle, Victor, "absent") to **APPROVE** a **Variance** (Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Under the Provisions of Use Unit 1206) of the sideyard setback from 5' to 3' to permit a carport in an RS-2 zoned district; and a **Variance** (Section 240.2(e)--Permitted Yard Obstructions) to permit an 1100 sq. ft. detached accessory building; on the basis that the proposed plan is an improvement over the existing situation; based on the topography of the property; subject to a restrictive covenant prohibiting use of the garage for any business or residence; on the following described property:

Beginning 7.0 feet West of the Southeast Corner of Lot 12, thence Northeast to the Northeast Corner; thence South to the Southeast Corner; thence West to the Point of Beginning, Block 8, Bren Rose Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Recorded Plat thereof, and known as 1828 East 32nd Place.

There being no further business, the meeting was adjourned at 6:35 p.m.

Date Approved

8-13-84



Chairman

11.01.84:425(26)

