

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 525
Thursday, November 15, 1984, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT

Chappelle, out at 4:00 p.m.
Clugston
Purser, In at 4:00 p.m.
Smith,
 Chairman
Victor

STAFF PRESENT

Jones
Phillips

OTHERS PRESENT

Linker, Legal
 Department
Hubbard, Protective
 Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 13, 1984, at 11:00 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Smith called the meeting to order at 1:03 p.m.

MINUTES:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** the Minutes of October 18, 1984 and to **APPROVE** the Minutes of Case No. 13273.

UNFINISHED BUSINESS:

Case No. 13340

Action Requested:

Use Variance--Section 310--Principal Uses Permitted in the Agricultural Districts--Use Unit 1227--Request a use variance to permit a salvage yard in an AG zoned district, located at 4212 North Lewis.

Presentation:

The applicant, Ann Bledsaw, 4406 North Lewis, informed that Case No. 13340 was continued from October 18, 1984 to allow time to research an appropriate use for the property. She has been to Rueben Haye's office and was informed that the property will need to be elevated seven feet before it can be used.

Protestants: None

Comments and Questions:

Ms. Hubbard informed that the applicant did not apply for a Building Permit and there was no basis for the letter issued by that office. There was no "proof-of-loss" submitted. She stated that the

11.15.84:426(1)

Case 13340 (continued)

property was originally listed in the City Buy-Out Plan, but was removed. The applicant has petitioned to be put back on the list.

Mr. Victor questioned whether a screening fence would be required, and if one is allowed in a floodway. Ms. Hubbard informed that any motion to approve the salvage yard would be subject to a zoning clearance permit and a hydrology report. She informed that a portion of the property is in the floodway, and the remainder is in the flood zone.

Mr. Smith asked if there is still a house on the property. Ms. Bledsaw explained that a portion of the house is still standing. In answer to a question by Mr. Victor, Ms. Bledsaw informed that there are salvage yards to the North and South of the subject property. There has been unauthorized dumping on her property since the flood.

Mr. Linker noted that flooding could be considered a hardship since the use fits the surrounding area.

Mr. Jones informed that if the Board intends to act on the use for salvage, it needs to be readvertised, since the Board denied that use on October 18, 1984. The case was continued to find a suitable use other than salvage.

Mr. Linker suggested the Staff write a letter to Rueben Haye in Hydrology and solicit his opinion of the best use for the land.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13340 until December 13, 1984 to allow the staff time to draft a letter to Hydrology in regard to the use of a salvage yard on this property, and the screening requirements necessary. Based upon the response to that letter, the Staff is directed to readvertise the use at no additional fee for the portion not included in the floodway.

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 area for a dry cleaners, located S. of SW/c of 81st and Sheridan.

Case No. 13273 (continued)

Presentation:

The applicant, Frank Lucenta, 6537 East 51st Street, requested a continuance to allow time to gather additional information. He informed that he has conferred with the protestant (represented by Richard Riddle, Attorney) and would like to continue the case until they can come up with an acceptable variance request.

Protestants:

Mr. Richard Riddle, Suite 200, Park Tower, 5314 South Yale, was present, and informed that his client is in favor of the continuance.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13273 until December 13, 1984.

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, Tulsa, Oklahoma, 74136, was not represented. Attorney Roy Johnsen requested by phone that the case be withdrawn.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to WITHDRAW Case No. 13329.

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 an RS-3 zoned district, located on the SW/c of W. 48th Street and Waco.

Presentation:

The applicant, Jim Nance, 6512 W. 34th Street, informed that he is requesting a lot split in order to buy a portion of a larger lot. The lot split was approved by the TMAPC on November 7, 1984 (L-16292). He submitted a plot plan (Exhibit A-1).

Protestants: None

Case No. 13367 (continued)

Comments and Questions:

Mr. Victor explained that the applicant needs to show a hardship when asking for a variance. The applicant responded that he was unaware of that. Mr. Victor explained further.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Variance** (Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Under the Provisions of Use Unit 1206) 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 (L-16292) in an RS-3 zoned district; finding that the subject property is a large piece of property which cannot be used to its highest and best use unless the variance is granted; and that the use is consistent with the zoning in the area; on the following described property:

The south 100' of the North 105' of the East 137.8' of Lot 10, Block 3, Greenfield Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma.

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, Tulsa, Oklahoma, informed that his case was heard on November 1, 1984 and was continued to allow the staff time to determine what portion of the legal description should be covered under the application. He submitted an aerial photo provided by the staff (Exhibit B-1). He explained that he has used his property for the past 25 years as a motorcycle salvage yard and needs the use approved so he can bid in the insurance pool.

Protestants: None

Comments and Questions:

Mr. Clugston asked if the protestants who were present on November 1, 1984 had their grievances met. Mr. Lahmeyer informed that he has spoken with them and they are not in protest of the continued use of the motorcycle salvage. Their concern had been with the wording of the request (i.e. salvage could mean automobile salvage).

Board Action:

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

Case No. 13354 (continued)

"abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 710--Principal Uses Permitted in the Industrial Districts--Under the Provisions of Use Unit 1227) to permit a salvage operation in an IM zoned district; restricted to the area between the existing buildings; on the south 360' of the following described property:

Begin 25' west and 595' north of SE/c of SW/4, SE/4, of Section 24, T-20-N, R-12-E, thence North 197.6', West 242.29' to R. R. R-0-W, Northeast 387' to highway, Northeast 347.63' to North line of SE/4, SE/4, East 290', Southwest along a curve 186', Southwest 250' to P.O.B.

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:

The applicant, Stuart Nyander, P. E., 717 South Houston, Tulsa, Oklahoma 74127, informed that he has revised his plans since the November 1, 1984 meeting and many of the protestants' concerns have been addressed. He is only increasing the floor area ratio to 33 percent and the setback to 25' from the Utica property line. The rear setback will be from 30' to 20' and no windows will be placed on that side of the building. There will be no variance of the parking requirement requested. He submitted plans (Exhibit C-1) and explained them to the Board.

Protestants:

Martha Gregory, 1419 South Zuni informed that she is present regarding her interest in the parking requirements. She is not opposed to the proposed building, if the required off-street parking is met.

Case No. 13356 (continued)

A letter of protest was received on October 30, 1984 from Greg D. Owens (Exhibit C-2).

Chas. Dean Spencer, D.D.S., 1415 South Utica Avenue, Tulsa, Oklahoma, submitted a letter of protest (Exhibit C-3).

Alan T. McCollom, 2023 East 14th Place, submitted a letter of protest (Exhibit C-4).

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Special Exception** (Section 630--Bulk and Area Requirements in the Office Districts--Under the Provisions of Use Unit 1211) to increase the floor area ratio from 30 percent to 33 percent; and a **Variance** (Section 630--Bulk and Area Requirements in the Office Districts) of the 100' setback from the centerline of Utica to 65', and 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) of the 30' setback from an abutting R district to 20'; subject to the side of the building facing the residentially zoned district having no windows; per plot plan submitted; finding that the existing setbacks from the centerline of Utica and the existing setbacks from the abutting R district are too restrictive to allow any buildable area on the site; and finding that these requests do not violate the spirit and intent of the Code; on the following described property:

Lot 14, Block 5, less the South 150' thereof, Terrace Drive Addition to the City of Tulsa, Tulsa County, Oklahoma.

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 56.5' from the centerline of 36th St. 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, submitted a plot plan (Exhibit D-1) and informed that the case was continued to allow readvertisement for more relief. He stated that the car wash will be an all-steel frame with a brick veneer finish.

Protestants: None

Case No. 13357 (continued)

Comments and Questions:

Mr. Jones informed that if the relief is granted, the applicant will only be 6.5' onto his own property.

Mr. Smith asked Mr. Springhower what hardship could be shown. Mr. Springhower informed that the bays could only be positioned one way to allow two on the subject property. He has a 25-year lease on the property and feels that he needs two bays to justify the financial investment.

Mr. Victor stated that generally a hardship for use should prove that, due to unusual circumstances the property cannot be used without the variance. In this situation, the applicant is already using the property.

Mr. Jones informed that there are no setbacks required from the property line of adjacent property in CS zoned districts. Mr. Springhower could build bays up to the property line on the north end of the subject property.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Special Exception** (Section 710--Principal Uses Permitted in the Commercial Districts--Under the Provisions of Use Unit 1217) to allow a car wash in a CS zoned district; finding that the special exception will not be detrimental to the neighborhood and does not violate the spirit and intent of the Code, per plot plan submitted; and to **DENY** a **Variance** (Section 730--Bulk and Area Requirements in the Commercial Districts) of the 100' setback to 56.5' from the centerline of 36th Street North to permit construction of a car wash; finding that the applicant did not meet the burden of proof to demonstrate a hardship; on the following described property:

The south 160' of the East 150' of Lot 1, Block 1, Market Addition to the City of Tulsa, Tulsa County, Oklahoma.

11.15.84:426(7)

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, Phillip Morgans, 916 N. 161st East Avenue, informed that he is before the Board on behalf of his father. He stated that he came before the Board for a special exception to allow a home occupation earlier this year and found that his father did not meet the criteria for home occupation. He is asking now for a variance to allow his father to continue to sell hand tools from the house on the subject property. He submitted pictures of the property (Exhibit E-1) and explained that there are commercial uses in the immediate area (including a welding supply and cleaners). He informed that he is willing to meet any parking requirements necessary to maintain the business as it is. He stressed that his father is retired and has no other source of income and is drawing no federal or state compensation. Mr. Morgans informed (in answer to a question by the Board) that his father resides at 2719 E. Lattimer Court, which is approximately 2 1/2 miles from the subject property. (The nature of this location is not conducive to sales). An elderly woman lives in the house on the subject property. He informed that there was a sign in the yard which has been removed.

Protestants:

Mrs. Sylvia Fort, 1512 North Kingston Place, Tulsa, Oklahoma, informed that she was present and protested when Mr. Morgans requested the special exception. She is still in protest for the same reasons. She informed that there is still a sign in the yard of the subject property. She stated that Mr. Morgans does not own the property and submitted a notarized affidavit (Exhibit E-2) stating that Jewel Taber and Margaret Kizer are joint owners of the property. She was told by the County Clerk that this is the last recorded deed in the County Clerk's office. She submitted pictures of the subject property (Exhibit E-3) and explained that the subject property is cluttered with tools and other "junk" all the time. She informed that he not only sells tools on the property, but various other things, as well (i.e. cars, trucks, saddles, etc.). She stated that Mrs. Taber visited in her home on October 6, 1984, and asked for information concerning the business being conducted from her home. In answer to a question by the Board, Mrs. Fort explained that Mrs. Taber has a business arrangement with Mr. Morgans to allow him to sell tools from her home with the understanding that he had been given permission to do so by this Board. Mrs. Fort explained that Mr. Morgans (son) is a City Fireman and has parked a firetruck in front of the house while conducting car sales.

11.15.84.426(8)

Case No. 13359 (continued)

Applicant's Rebuttal:

Mr. Morgans informed that he has possession of a quick claim deed for the subject property, but that he did not bring it with him.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **DENY** a **Use Variance** (Section 410--Principal Uses Permitted in the Residential Districts--Under the Provisions of Use Unit 1205) to permit selling of hand tools from a residential garage in an RS-3 zoned district, finding that the applicant has failed to demonstrate a hardship that is consistent with the definition of "hardship" in Section 1670 of the Zoning Ordinance ("...by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition, or circumstance peculiar to a particular property, the literal enforcement of the Code will result in unnecessary hardship..."); on the following described property:

Lot 1, Block 2, Maplewood Amended Addition to the City of Tulsa, Tulsa County, Oklahoma.

Date Approved 11/29/84



ACTING Chairman

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.

Presentation:

The applicant, Jack Anderson, 201 W. 5th Street, Suite 120, Tulsa, Oklahoma, represents Mr. and Mrs. Robert Nelson (owners of Lot 1, Block 1, 5300 Commerce Park, Tulsa, Oklahoma). He informed his clients have requested permission from the City Engineer to allow a cut on the north border of the subject property to allow access. He approved the request, pending TMAPC and Board of Adjustment approval. He stated that they are aware that the frontage requirements are enforced to eliminate points of conflict along major thoroughfares, such as Mingo Road. In their position; however, that this lot split does not violate the spirit and intent of the Code in this matter. Directly to the north of this property is a City detention pond which is 572' in length, and north of that is a Quick-Trip. With this in mind, there will only be one cut within an 822' strip on Mingo. The south half of the property will not need an access cut on Mingo, and the TMAPC included this condition in their approval. There has been a precedent set in this area and Mr. Anderson submitted an area base map to show a plot plan of his request (Exhibit F-1), and where the other variances are, in relation to the subject property. He informed that Mr. and Mrs. Nelson need to split the property in order to sell the other lot, since they have no use for the north portion of the property. Both lots will be used for wholesale business.

Protestants: None

Comments and Questions:

Mr. Jones informed that the TMAPC approved the lot split subject to three conditions: (1) the north lot can only have one access point to Mingo; (2) the south lot can only have one access point; and (3) the south lot's access must be to 54th Street.

In answer to a question from Mr. Victor, Ms. Hubbard informed that there is no setback requirement from an abutting IL zoned district, but there is a firewall requirement.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Variance** (Section 930--Bulk and Area Requirements in the Industrial District--Under the Provisions of Use Unit 1215) of the 150' frontage to 125' to permit a lot split (L-16288) in an IL zoned district; finding that the lot under application meets the area requirements for the two

Case No. 13361 (continued)

lots; and without the lot split, the applicant is denied maximum land use; subject to the north lot having access to Mingo on the NE/c and the south lot having access only to 54th Street; per plot plan submitted; on the following described property:

Lot 1, Block 1, 5300 Commerce Park, an addition to the City of Tulsa, Tulsa County, Oklahoma.

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 on a lot-by-lot basis in an RMH zoned district, located 1/4 mile W. of 30th Street North and Sheridan.

Presentation:

The applicant, Bill Wilkins, 7955 South 69th East Avenue, Tulsa, Oklahoma, was not present.

Protestants: None

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **CONTINUE** Case No. 13364 until November 29, 1984.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13377

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 0' to permit construction of a residence over an interior lot line in an RS-2 zoned district, located E. of 68th East Place and 105th Street.

Presentation:

The applicant, Craig Stough, 10212 South Quebec, Tulsa, Oklahoma, informed that he is purchasing both lots in order to build a single-family residence and requested that the side yard requirements be waived. The current plat has a restrictive covenant with side yard setbacks of 8' on one side and 12' on the other. He informed that the covenant states that the covenants stand unless modified by an authorized body (i.e. Board of Adjustment or TMAPC).

Protestants: None

Comments and Questions:

Mr. Clugston informed that this Board cannot address the subdivision covenants, but can grant a variance.

11.15.84:426(11)

Case No. 13377 (continued)

Mr. Smith advised that there are easement dedications in the plat, which are a City concern; however, a house cannot be built across a lot line without Board of Adjustment approval.

Ms. Hubbard noted that in an earlier case it was determined that if a structure is built across the lot lines of property in one ownership, the lots are automatically tied.

There was discussion about what action is necessary in this situation.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a Variance Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Use Unit 1206) of the side yard setback from 5' to 0' to permit construction of a residence over an interior lot line in an RS-2 zoned district; subject to a Tie Contract (if necessary); the hardship being that the applicant would be required to set back from his own property, which is described as follows:

Lots 8 and 9, Block 1, Forest Trails, an addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 13368

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 55' to permit a lot split in an RS-3 zoned district; and a

Variance--Section 207--Street Frontage Required--Request a variance of the required 30' of frontage on a public street to permit a lot split, located W. of NW/c of 32nd Place and Zuni.

Presentation:

The applicant, Vivian Clark, 530 Mohawk Boulevard, Tulsa, Oklahoma, was represented by Roy Evans, 553 East Ute. He requested the lot split to clear title. A plot plan was submitted (Exhibit G-1).

Protestants: None

Comments and Questions:

Mr. Jones explained that the lot split is complex. There will be a three-way split and the lot to the north will be served by a 15' dedicated street, while the middle lot and the south lot will be served by a proposed cul-de-sac. The TMAPC proposed the conditions

Case No. 13368 (continued)

which are listed at the top of Exhibit G-1. He also informed that the lots of record exist at this time, and this action is to clear the titles.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a **Variance** (Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Under the Provisions of Use Unit 1206) of the lot width from 60' to 55' to permit a lot split in an RS-3 zoned district; and a **Variance** (Section 207--Street Frontage Required) of the required 30' of frontage on a public street to permit a lot split; finding that the property is large and can be divided consistently with the lots in the area without causing substantial detriment to the public good or impairing the purposes, spirit, and intent of the Code, or the Comprehensive Plan; on the following described property:

Beginning at the NW/c of SE/4 of NE/4 of Section 19, T-20-N, R-13-E, thence South 455.6", East 239', North 455.6', West to point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13369

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-1 and CH zoned district; and a

Variance--Section 440.6(a)(d)--Special Exception Uses in Residential Districts, Requirements--Request a variance of the one-year time limitation and of the removal bond for a mobile home, located at 1915 North Darlington Place.

Presentation:

The applicant, Ray McGhee, was represented by Charlotte Daniel, P.O. Box 581981, Tulsa, Oklahoma, 74158, who informed that she is Mr. McGhee's mother-in-law. She informed that the request for a mobile home is to allow her to place a mobile home on this property. She and her husband had a mobile home on the property several years ago, before they moved to Iowa. Her son-in-law owns the property and will let them live there rent-free for the remainder of their natural lives. She submitted a picture (Exhibit H-1) to show the Board what the property looked like when they lived there before. The lot is vacant and the utilities have been inspected.

Protestants: None

Comments and Questions:

Mr. Clugston questioned the reason for the variance request to allow the mobile home permanently. Mr. Jones answered that similar requests have been granted in the area. Mr. Clugston noted that those requests were approved for a one-year time limit.

Case No. 13369 (continued)

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **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 and CH zoned district; and a **Variance** (Section 440.6(a)(d)--Special Exception Uses in Residential Districts, Requirements) of the one-year time limitation to **two years**, subject to a removal bond, Building Permit, and Health Department approval; on the following described property:

Lots 17-20, Block 28, Original Townsite of Dawson, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13371

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1217--Request an exception to permit a retail tire center sales outlet which sells, mounts, balances, and installs tires, and inspects and corrects front-end alignments in a CS zoned district; located E. of SE/c of 31st Street and 126th East Avenue.

Presentation:

The applicant, Kenneth Miles, 201 5th Street, Suite 400, Tulsa, Oklahoma, informed that the application is to allow the tire center to be placed on a vacant lot in such a way that the appropriate frontage is met. There is an existing screening fence between the property and the abutting RM-1 zoned district. He stated that the lot is large enough to provide the **required** off-street parking necessary for the building. He submitted two site plans and informed that the building is 45' by 144' (Exhibit I-1). The **required** parking for that building is 11 spaces and they will be providing 16 spaces. The setbacks and building height meet the requirements of the Code. There will be no outside storage or outside work, and trash will be contained within a covered waste container.

Protestants: None

Comments and Questions:

Mr. Clugston asked where Hesselbein Tire Company is in relation to the subject property. Mr. Miles informed that Hesselbein is approximately one block east on the north side of the street.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-1 (Chappelle, Clugston, Victor, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to **APPROVE** a **Special Exception** (Section

Case No. 13371 (continued)

710--Principal Uses Permitted In the Commercial Districts--Under the Provisions of Use Unit 1217) to permit a retail tire center sales outlet which sells, mounts, balances and installs tires, and inspects and corrects front end alignments in a CS zoned district, prohibiting outside work or storage; on the following described property:

Lot Two (2), Block One (1), Dorothy Jean Addition, a subdivision of part of the N/2 of the N/2 of the NE/4 of the NE/4 of Section 20, T-19-N, R-14-E, Tulsa County, State of Oklahoma.

Case No. 13373

Action Requested:

Variance--Section 240.2(e)--Permitted Yard Obstructions--Use Unit 1206--Request a variance of the 750 sq. ft. maximum floor area to 896 sq. ft. for a detached accessory building in an RS-3 zoned district, located on the SE/c of 108th East Avenue and Admiral Boulevard.

Presentation:

The applicant, Rowayne Williams, 29 South 108th East Avenue, Tulsa, Oklahoma, submitted elevations (Exhibit J-1) and a plot plan (Exhibit J-2). He informed that the detached building is a three-car garage. His property abutts the Wagon Wheel Industrial Park, which is for offices and warehouses. He informed that the garage will face the north.

Protestants: None

Comments and Questions:

Mr. Jones informed that the lot is larger than normal for an RS-3 zoned lot.

Mr. Clugston asked the applicant if his lot is larger than his neighbors' lot to the south. He informed that his lot is larger.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Variance (Section 240.2(e)--Permitted Yard Obstructions--Under the Provisions of Use Unit 1206) of the 750 sq. ft. maximum floor area to 896 sq. ft. for a detached accessory building in an RS-3 zoned district; finding that the size of building requested is consistent with the lot size, and that the request does not encroach on his neighbors' properties; subject to a Restrictive Covenant being filed in the County Clerk's office stating that the building will not be used as a business or a residence; per plot plan submitted; on the following described property:

Case No. 13373 (continued)

Lot 1, Block 7, Wagon Wheel Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Case No. 13374

Action Requested:

Special Exception--Section 420--Accessory Uses In Residential Districts--Use Unit 1206--Request an exception for a home occupation to allow an existing welding shop (operating for 11 years) with a sign in an RS-3 zoned district, located on the NE/c of Yale and Newton.

Presentation:

The applicant, Jim Webb, 1303 North Yale, informed that he has lived on the subject property for 11 years and during that time has done welding in his garage. His garage fronts Newton and the house fronts Yale. He informed that he only handles small jobs (i.e. household appliances, chairs, etc.) and it causes no noise. His neighbors have no complaints. Tom Teal (Code Enforcement) was sent to investigate a similar use on the same block, which is unsightly and offensive to neighbors. That person brought this use to Tom Teal's attention, which is the reason for this application. Mr. Webb informed that he has put up a privacy fence between his garage and the neighbor's house to help the steel racks (storage) blend in with the community. He stated that he has never infringed on his neighbors and that he is an asset to the community. He explained to the Board that he has been laid off for several years and cannot afford to move his business into an industrial or commercial location. There are two metal signs, one facing each street, with "Metal Shop" on them.

Protestants: None

Comments and Questions:

Ms. Hubbard informed the Board that Mr. Teal said the use was conforming to the community, and if there were no signs, it would be difficult to tell there was a welding shop there.

Mr. Jones informed that home occupation uses do not permit outside storage and encouraged the Board to address that issue.

Ms. Hubbard informed that signs are not allowed under home occupation.

Mr. Webb stated that he has visited with all the neighbors on the block and there were no complaints. He informed that the general consensus in the neighborhood is that the use down the street is an "eyesore" and it disrupts traffic. He stated that his business and the business directly west of the subject property does not cause those types of problems. He informed that Mr. Teal told him that the screening should be sufficient to hide the outside storage.

Case No. 13374 (continued)

Mr. Clugston asked the applicant what sizes of pipe he stores on the steel rack. He informed that he keeps several different sizes, but does not keep a large inventory. He stated that the storage can be kept in the garage. He expressed his desire to work with the City, yet maintain his business.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Special Exception** (Section 420--Accessory Uses in Residential Districts--Under the Provisions of Use Unit 1206) for a home occupation to allow an existing welding shop (operating for 11 years) in an RS-3 zoned district; subject to the rules and regulations of home occupation; and subject to a Restrictive Covenant being filed in the County Clerk's office restricting the home occupation use to this owner only; on the following described property:

Lot 12, Block 4, Homestead Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13375

Action Requested:

Use Variance--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1211--Request a use variance to allow a law office in an RS-3 zoned district, located on the SE/c of 4th Street and Harvard.

Presentation:

The applicant, Jef Stites, 3304 East 4th Street, informed that he is the owner of the subject property. He requested that the Board examine the special conditions, facts and peculiar circumstances which affect the subject property, and which, in fact, none of the surrounding properties share. The subject property faces 4th Street, which is a residential collector, and has 140' of frontage on Harvard, a 60' wide major arterial street. He submitted a letter from the City Engineering Department (Exhibit K-1) showing the traffic flow at the intersection of 4th and Harvard during a 24-hour period during the summer of 1983. Mr. Stites contends that the traffic is not conducive to residential life, in regard to the noise and to the potential danger to small children. He further stated that at this location privacy cannot be afforded since cars stopped at the intersection sit eye-level with the windows of the house. He discussed the zoning districts across the street from his property and submitted letters from 18 adjacent property owners in favor of this application (Exhibit K-2). He submitted a plot plan (Exhibit K-3) and a floor plan (Exhibit K-4) and described the parking proposal. Mr. Stites informed that the properties to the south and east of the subject property are occupied by duplexes, which are non-owner occupied. He submitted that these are a sufficient buffer between his proposed use and a residential neighborhood.

Case No. 13375 (continued)

Comments and Questions:

Mr. Victor asked the applicant what is on the subject property. Mr. Stites informed that there is a house and a three-car garage on the property at the present.

Mr. Victor asked Mr. Stites how many lawyers he envisioned sharing this practice. Mr. Stites informed that the house is only a one-story house with a balcony, and could handle a maximum of two attorneys and one secretary.

Mr. Stites informed, in answer to a question by Mr. Victor, that he plans to meet the required off-street parking by tearing down the three-car garage and paving the south side of the property. Ms. Hubbard questioned whether any of the required spaces are in City right-of-way. Mr. Victor informed that they are not.

Protestants:

Ms. Oletha J. Barnard, 311 Waverly Drive, informed that she lives adjacent to the vacant lot which is diagonally across Harvard from the subject property. She stated that she visited with Mr. Stites before the TMAPC meeting and is aware of his intentions. She feels that this location is sufficiently congested and does not need another business at the intersection. She has lived in her home since 1940 and feels that the traffic is better than before the Crosstown Expressway was finished. She is concerned with what this type of use will do to her property value and whether this use can be upgraded to a heavier office-type use in the future. Mr. Victor informed that the use cannot be changed when a use variance is granted.

Additional Comments:

Mr. Jones informed that the Staff is concerned with the parking. From a planning standpoint, the Staff would like to see all the parking restricted to the area south of the dwelling and away from 4th Street. Also, the Code requires that minimum parking spaces be provided. In this instance, the minimum is four. With two attorneys and one secretary, there will be only one space left for clients. The Staff recommends that this be considered. There was discussion about the logistics of meeting the parking requirements. Mr. Stites submitted an additional plot plan showing the required off-street parking provided in the area occupied by the existing three-car garage (Exhibit K-5).

In answer to a question from Mr. Smith, Mr. Stites informed that the TMAPC concluded, in view of the use requested by Mr. Stites, that rezoning the property would be a drastic measure. It was their opinion that the need could be met better through a use variance. Mr. Smith asked why the applicant requested OM and was informed that Mr. Stites was advised by the staff to advertise for OM since the house appears to be a two-story.

Case No. 13375 (continued)

Mr. Stites asked the Board to allow a sign subject to the restrictions of OL zoning. Mr. Jones, and Mr. Linker informed that a sign is not advertised and cannot be granted under this application.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a Use Variance (Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1211) to allow a law office in an RS-3 zoned district; restricted to law office only (showing space for two attorneys and one secretary); per plot plan submitted (five parking spaces being provided to the south of the existing dwelling); finding that the traffic at this intersection makes the subject property undesirable for residential use; and to **CONTINUE** the application until November 29, 1984 to allow the applicant the opportunity to readvertise for proper sign relief; on the following described property:

Westerly 50' of Lots 11, 12 and 13, Block 3, University Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma less: Beginning at Northwest Corner of Lot 11, Block 3, University Heights Addition; thence East along North line of said Lot 11, a distance of 12.2 feet; thence Southwest a distance of 16.51 feet to the West line of said Lot 11; thence North along the West line of Lot 11, a distance of 11.13 feet to the Point and Place of Beginning.

Case No. 13376

Action Requested:

Variance--Sections 1211.4, 1212.4, 1213.4 and 1214.4--Off-street Parking and Loading Requirements--Request a variance of the required off-street parking for use Units 11, 12, 13 and 14 to permit a reduction in the number of parking spaces from 1,823 to 1,652 for a commercial development in a CH zoned district, located W. of SW/c of 61st and Yale.

Presentation:

Attorney Charles E. Norman, 909 Kennedy Building, Tulsa, Oklahoma, 74103, represents the Metropolitan Life Insurance Company. He submitted his client's proposal in a report prepared by Thompson, Ventulett, Stainback and Associates, Inc., Architects, and Deshazzo, Starek and Tang, Inc., Parking Consultants (Exhibit L-1). The first plate in the exhibit is an artists' rendering of the proposed structure. Mr. Norman informed that this property is part of a sixty-acre tract that was zoned CH in the late 1950's. The second plate is the site plan for TWO WARREN PLACE (upper righthand corner of the siteplan). Metropolitan Life is one of the major real estate lenders and owners in the United States and has extensive experience in development and application of off-street parking requirements. The Double Tree Inn (370 room hotel) will open in January or

Case No. 13376 (continued)

February of 1985 and is part of this mixed-use development. The third plate is a larger scaled site plan for TWO WARREN PLACE, showing the parking structure proposed for construction in conjunction with the second building. That structure will be five levels on the eastern side and seven levels on the western side, to accomodate the slope of the property, and will provide enclosed parking for 1600 cars. He pointed out the significance in Metropolitan Life's effort to construct a major parking facility in connection with a suburban site in order to preserve land and provide parking spaces adjacent to the building, while utilizing as much land as possible for landscaping and amenities in connection with the development. Approximately 30 percent of the site is to be used for landscaping around the building and parking areas. Mr. Norman explained that since this project was approved for planning, there have been three major changes that have affected its development. The first was the change of the off-street parking requirements from one space per 400 sq. ft. of office space to one space per 300 sq. ft. of office space. The second was the change in 1984 of the parking requirements for restaurants and bars from one per 225 sq. ft. to one per 100 sq. ft. for restaurants, and to one per 75 sq. ft. for bars. The third change is the new off-street parking requirement imposed on all CH zoned districts. Until a few months ago, there had never been such a requirement. This project was commenced in 1973 and authorized for the preparation of architectural plans and specifications at that time. Construction is due to begin early in 1985. The affect of these Code changes and their application upon this particular zoning district was to increase the number of required off-street parking from 1,306 to 1,823. That is a 39.6 percent increase, by virtue of the Code. Included within TWO WARREN PLACE is 19,725 sq. ft. for restaurant use and 6,000 sq. ft. for retail. Included within Exhibit L-1 is a technical memorandum prepared by Deshazzo, Starek and Tang, Inc., Parking Consultants. Figure One of their study indicates the affect the changes in parking requirements has had on this development. Their study indicates a mixed-use demand of 1,432 parking spaces. Metropolitan Life has always used (internally) a standard of one parking space per 300 sq. ft. of office space. The difference between the Code's requirement and Metropolitan Life's standard is that Metropolitan Life applies this standard to Net leasable space rather than Gross floor area. The variance requested is 9 percent of the off-street parking requirements for TWO WARREN CENTER. They propose to provide 1,652 parking spaces, which is 346 more than the old Code required and 171 less than the new Code requires. In August, 1984, David Cox, Senior Transportation Planner, sent a letter to the TMAPC, in regard to a similar request, recommending that they adopt Zoning Code parking standards specifically for mixed-use developments, such as this one. He had reviewed a similar parking requirement study made by the Deshazzo firm and concluded that the study prepared by that firm was comprehensive in scope and appears to present reasonable conclusions. Bob Gardner reported on the same day that because of the mixed uses and the Code changes, the request for the variance appeared to merit favorable

Case No. 13376 (continued)

consideration by the Board. That property is located at 61st and Memorial. That applicant proposed to provide 18 percent more parking than required by the old Code, and this proposal is to provide 26 percent more than required by the old Code. In this situation, the planning was well under way before the changes in the Code were implemented. Mr. Norman submitted that the hardship involved is in relation to the time factor involved in developing a long-range project of this nature, and the determination of the Staff that the Code should be changed to allow sensitivity to mixed-use developments.

Protestants: None

Comments and Questions:

Mr. Victor commented that the DeShazzo parking study was an excellent study on parking requirements and stated that these types of requests need special study. He asked if the Staff feels they need to review these requirements and comment on them. Mr. Jones informed that the Staff has gone over this report with Mr. Norman prior to this meeting and feel comfortable with the applicant's request.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Clugston, Victor, "aye"; no "nays"; Smith, "abstaining"; Purser, "absent") to APPROVE a Variance (Sections 1211.4, 1212.4, 1213.4, and 1214.4--Off-Street Parking and Loading Requirements) of the required off-street parking for Use Units 11, 12, 13, and 14 to permit a reduction in the number of parking spaces from 1,823 to 1,652 for a commercial development in a CH zoned district; finding that this particular project (a large mixed-use development) need not adhere strictly to peak parking demands as set forth in the Zoning Ordinance; based on the study finding as presented; per site plan submitted; on the following described property:

All that part of Lot 1, SECOND AMENDED PLAT OF WARREN CENTER, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows:

Commencing at the Northeast corner of said Lot 1, thence North $89^{\circ}57'30''$ West along the North line of said Lot 1, a distance of 612.83 feet to a point, 659.86 feet East of the Northwest corner of said Lot 1; thence due South a distance of 10.00 feet to the Point of Beginning; thence due South a distance of 275.50 feet; thence along a curve to the left, having a central angle of $35^{\circ}26'10''$ and a radius of 184.00 feet, a distance of 113.80 feet; thence along a curve to the right having a central angle of $28^{\circ}39'03''$ and a radius of 96.00 feet, a distance of 38.00 feet; thence due West a distance of 391.26 feet; thence along a curve to the right, having a central angle of $16^{\circ}59'41''$ and a radius of 120.18 feet, a distance of 35.65 feet;

Case No. 13376 (continued)

thence on a curve to the left, having a central angle of $16^{\circ}59'41''$ and a radius of 229.00 feet, a distance of 67.92 feet; thence due West a distance of 133.26 feet; thence North $0^{\circ}03'56''$ West a distance of 421.65 feet to a point on the North line of said Lot 1, 104.00 feet East of the Northwest corner thereof; thence South $89^{\circ}57'30''$ East along the North line of said Lot 1, a distance of 418.70 feet; thence South $0^{\circ}02'30''$ West a distance of 10.00 feet; thence South $89^{\circ}57'30''$ East a distance of 137.17 feet to the Point of Beginning.

Case No. 13378

Action Requested:

Special Exception--Section 420--Accessory Uses in Residential Districts--Use Unit 1206--Request an exception for a home occupation to allow a non-breeding kennel for 11 dogs in an RS-3 zoned district, located on the NW/c of Tecumseh and Lewis Place.

Presentation:

The applicant, Carol Avery, 1910 North Lewis Place, informed that all eleven of the dogs are family pets. There are four St. Bernards, one Spitz, four mixed breeds, and two small dogs. She stated that she did not plan to have eleven dogs and explained that some were hers before she married, her husband had two of his own, and her brother left the others with her until he could establish himself in a job. This is not a typical "kennel" request, as there will be no breeding or storage of animals. Five of the dogs are kept in the house and the larger dogs stay on chains out in the yard. She informed that she and her husband own three lots and the yard, which is fenced, is large enough to accommodate the animals. She submitted three letters of support from neighbors who stated that the dogs are not a nuisance to them (Exhibit M-1, M-2, and M-3). She submitted that all dogs bark and there are many other dogs in the neighborhood. She stated, in answer to a question by the Board, that she does not know where her brother is at this time. He told her that he planned to join the Air Force.

Comments and Questions:

Mr. Smith asked Ms. Avery if she kept the yard picked up. She stated that it was necessary to keep the yard clean with that many dogs. She explained that the dogs dig holes around the area where they are chained. She and her husband planted a garden this summer, but did not have much luck with it.

Protestants:

Dradie Dowling, 1901 North Lewis, informed that her home is directly behind Ms. Avery's home. She stated that she is afraid of the large dogs that are chained in Ms. Avery's backyard. When she hangs clothes on the line in her backyard, the large dogs bark and try to climb the fence, and it frightens her. She also stated that the odor is bad. She informed that she is in protest of the application.

Case No. 13378 (continued)

W. D. Ridgeway informed the Board that he owns a piece of commercial property at 1830 North Lewis, which is less than a block from the subject property. He stated that he leases his property to a business. After Mr. Smith asked what his protest is, Mr. Ridgeway informed that he did not want to listen to a bunch of dogs barking. He stated that his 94 year-old brother lives on this lot in a mobile home and is disturbed by the barking dogs. Holly Vargus, 1821 North Lewis Place, informed the Board that she works nights at ONG and sleeps during the day. These dogs wake her every morning around 8:00 a.m. when the school bus comes for the school children. She is also concerned that eleven dogs in one yard will pose a health problem. She submitted a letter from Francis Brasher, 1911 North Lewis, in protest of the application (Exhibit M-4).

George Greider, 2004 South Olympia, informed that he owns property adjacent to the Avery's property. He stated that he has been working on his property for several weeks and has had problems with the dogs jumping at the fence and barking. He informed that he has counted as many as fifteen dogs in the yard at one time. He does not like to complain about neighbors, but he feels the dogs are a nuisance.

W. R. Parker informed that he leases Mr. Ridgeway's building at 1830 North Lewis, and runs a janitorial service from that location. He has had problems with dogs pulling the trash off of his trucks when they are parked on his property. He stated that he does not know whose dogs they are, since Ms. Avery has stated that her dogs are confined within her yard. However, he feels that allowing kennel rights would be excessive in this neighborhood that is already plagued with too many animals.

Applicant's Rebuttal:

Ms. Avery stated that she was unaware that her neighbors were afraid of the larger dogs, and she would have been happy to take care of the problem if she had been aware of it. She informed the Board that she works nights, also, and is often awakened by barking dogs.

Case No. 13378 (continued)

She stated that she had a problem with school children antagonizing the chained dogs by throwing things, etc. and she is taking care of that situation. She stated that she will put up a privacy fence between her yard and Ms. Dowling's yard. She intended to see first if the Board would allow her to keep the dogs.

Additional Comments:

Mr. Clugston informed the protestants of the restrictions of a kennel allowed under home occupation.

Mr. Clugston asked Ms. Avery the ages of the dogs. She informed that they are all full grown, ranging from two years to fifteen years.

Mr. Clugston explained that three dogs are allowed per lot of record in the City of Tulsa, and if there were homes on each of the three lots, there would be nine dogs there by right. The special exception to allow 11 dogs is only two more.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-1 (Clugston, Smith, Victor, "aye"; no "nays"; Purser, "abstaining"; Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 420--Accessory Uses in Residential Districts--Use Unit 1206--Request an exception for a home occupation to allow a non-breeding kennel (allowing the applicant 45 days to limit the use to seven dogs) in an RS-3 zoned district; subject to a screening fence being placed between her yard and the abutting residences within 90 days; until attrition reduces the number of dogs to three, at which time this exception is void; finding that the applicant's triple-size lot can accommodate seven dogs; on the following described property:

Lots 326, 327, and 328, Block 26, Tulsa Heights, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13379

Action Requested:

Special Exception--Section 420--Accessory Uses in Residential Districts--Use Unit 1206--Request an exception for a home occupation to allow a carburetor shop in an RS-3 zoned district, located on the NW/c of Yale and Newton.

Presentation:

The applicant, Stephanie Burkett, 1304 North Yale, informed that her case was brought to the attention of Code Enforcement by the owner of a similar use down the block. That use (as mentioned in Case No. 13374 of these Minutes) is detrimental to the residential nature of

Case No. 13379 (continued)

the neighborhood, whereas this use is not. Inspector Teal informed the applicant that with the exception of the sign, the home occupation use is not noticeable. Ms. Burkett explained that she does not work outside the home, in order to stay home with her two children (a three-year old and a seven-month old). She and her husband rebuild carburetors. They do not sell any parts and about 2/3 of their business is sub-contracted from mechanics who do all the labor. As a general rule, there will be no more than two cars parked at the house at a time. They work on three to seven cars a week. The cars are pulled into the garage to be worked on and one may be parked in the driveway waiting to be serviced. In answer to a question by the Board, Ms. Burkett explained that this is her husband's only job, and that he is considered a carburetor specialist. They place ads in the "Thrifty Nickel" and "Heavenly Sunshine", as well as in the phone book.

Comments and Questions:

Mr. Clugston asked Ms. Hubbard if this is the one of the instances where the Inspector did not have a problem with the use. She stated that he informed her that the home occupation would not have been evident if there had not been a sign in the yard.

Ms. Hubbard asked about the sign and was informed by the applicant that it is an A-frame sign and can easily be removed.

Ms. Hubbard informed the Board that the Inspector noted that the operation is very clean and well-run.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 4-0-0 (Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Special Exception (Section 420--Accessory Uses in Residential Districts--Under the Provisions of Use Unit 1206) for a home occupation to allow a carburetor shop in an RS-3 zoned district; subject to the rules and regulations of home occupation; and subject to the removal of the existing sign; finding that the use is not detrimental to the neighborhood; on the following described property:

Lot 12, Block 1, Morgan Homes Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13380

Action Requested:

Special Exception--Section 910--Principal Uses Permitted in the Industrial Districts--Use Unit 1214--Request an exception to allow a retail establishment in an IL zoned district, located E. of NE/c of 51st Street and 83rd East Avenue.

Case No. 13380 (continued)

Presentation:

The applicant, Ted Lam, 7006 East 88th Place, informed that he wishes to relocate his gift shop where the Tag Agency was located at 8335 B and C, East 51st Street. The property is zoned for Industrial use, and he wishes to use it for retail sales.

Comments and Questions:

Ms. Purser questioned whether the whole area advertised is needed for this applicant's request. There was discussion about the legal description and the property as advertised. The owner of the property clarified that for the Board.

Interested Parties:

K. L. Ferguson, Maples, Florida, explained that he is the owner of the subject property. He requested that this exception be limited to the spaces designated as B and C at 8335 East 51st Street. He informed that this is the south end of the building and it fronts 51st Street, which would make it suitable for retail sales. There is another building which is also 8335 next to this one, which houses Isotopic Analysis. It is not a retail use and he does not want that use changed.

Mr. Linker informed that this special exception would not affect the original zoning in any way.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 910--Principal Uses Permitted in the Industrial Districts--Under the Provisions of Use Unit 1214) to allow a retail establishment in an IL zoned district; finding that the use is not detrimental to the public good and does not impair the purposes, spirit and intent of the Code, or the Comprehensive Plan; limiting the use to the areas designated as B and C (South end of the alley) of the following described property:

West half of Lot 8, Block 1, Research and Development Center Second, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13381

Action Requested:

Special Exception--Section 630--Bulk and Area Requirements in the Office Districts--Use Unit 1211--Request a special exception to permit a .35 floor area ratio; and a

Variance--Section 630--Bulk and Area Requirements in the Office Districts--Use Unit 1211--Request a variance to permit a 1 1/2-story building in an OL district, located N. of NE/c of 54th Street and Lewis.

Case No. 13381 (continued)

Presentation:

Attorney Roy Johnsen, 324 Main Mall, Suite 900, Tulsa, Oklahoma, 74103, was not present, but requested a continuance of Case No. 13381 until November 29, 1984. His client, Moulin Brandt Associates, did not have a representative present.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13381 until November 29, 1984.

Case No. 13382

Action Requested:

Special Exception--Section 910--Principal Uses Permitted in the Industrial Districts--Use Unit 1226--Request an exception to allow a concrete ready-mix plant in an IL zoned district; and a

Variance--Section 1226.3--Use Conditions--Request a variance to permit open storage of materials within 300' of an R district, located on the NW/c of Reading Place and 71 East Avenue.

Presentation:

The applicant, Mike Fine, 709 South Sandusky, Tulsa, Oklahoma, requested that Case No. 13382 be withdrawn and that the \$25.00 hearing fee be refunded.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to WITHDRAW Case No. 13382 and REFUND the \$25.00 hearing fee.

Case No. 13384

Action Requested:

Special Exception--Section 710--Principal Uses Permitted in the Commercial Districts--Use Unit 1217--Request an exception to permit a muffler shop in a CS zoned District, located on the SW/c of 53rd Street and Peoria.

Presentation:

The applicant, Turner and Sons, Inc., was represented by Dana Lyons, 406 South Boulder, Suite 600, Tulsa, Oklahoma. She informed that her clients are under contract to purchase the subject property, which was formerly used as a gas station. The building now houses a Burgraff Tire store, which will need to be expanded to accommodate the Meineke Muffler Shop. She submitted a plot plan (Exhibit N-1) and elevations (Exhibit N-2) and described them to the Board. Three letters of support were submitted: Beckett's Antiques (Exhibit

Case No. 13384 (continued)

N-3); Chalmers South Side Auto Supply (Exhibit N-4); and Fuller Properties, Inc. (Exhibit N-5).

Protestants: None

Comments and Questions:

There was discussion about the floor plan of the building.

Mr. Smith asked if there are other automotive uses in the near vicinity.

Interested Parties:

Ed Turner, 5803 South Atlanta, informed that he is the buyer and in response to Mr. Smith's question, replied that there are four other automobile uses within one mile of the subject tract.

Additional Comments:

Mr. Jones informed that no outside storage is allowed within 300' of an RS-3 zoned district, and screening is required. Ms. Lyons informed that the Mieneke franchise has very strict regulations and will have no problem complying with these requirements.

In answer to a question by the Board, Mr. Turner explained that the DX Station will remain in operation and the muffler shop will be added to the existing building.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Special Exception (Section 710--Principal Uses Permitted in the Commercial Districts--Under the Provisions of Use Unit 1217) to permit a muffler shop in a CS zoned district; finding that the muffler shop is in keeping with the present activity on the site; subject to no outside storage or work; subject to screening requirements abutting the RS-3 zoned district to the west; per plans submitted; on the following described property:

North 150 feet of Lot 1, Block 2, Riverview Village 2nd Addition to the City of Tulsa, Tulsa County, Oklahoma, otherwise known as 5306 South Peoria.

Case No. 13385

Action Requested:

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1205--Request an exception to permit a catholic social service center in an RM-1 zoned district; and a

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Request a variance of the rear yard setback to 1' to permit a building to line up with an existing building; and a

Case No. 13385 (continued)

Variance--Section 1205.4--Off-Street Parking and Loading Requirements--Request a variance of the parking requirements, located on the NE/c of Haskell and Denver.

Presentation:

The applicant, Catholic Social Services, was represented by Casper Jones, 1302 South Fulton, (for Olsen-Coffey Architects). He submitted a site plan (Exhibit 0-1) and explained to the Board that the catholic social service use is in existence on lots six through ten. In researching, Mr. Jones discovered that lots six and seven are the only two which have been approved for a community center, and that approval was granted in 1933. He informed that the other existing buildings must have met the zoning requirements, because Building Permits were issued. He described the uses existing in the present facility and explained that the proposed structure will be joined to the structure on Lot 10. The front porch will be enclosed and the new structure will extend from it. There are two garages on the backs of lots 10 and 7 which will be reconstructed on lot 10. The purpose of this proposal is to house and educate refugees. The variance of the rear yard setback is required because the existing building is only 1' from the alley, and the proposed building will line up with that building. The reason for a variance of the required off-street parking is due to the fact that the refugees who will occupy the facility will not have cars. There are only two persons in the convent.

Protestants: None

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 4-0-0 (Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a **Special Exception** (Section 410--Principal Uses Permitted in the Residential Districts--Under the Provisions of Use Unit 1205) to permit a Catholic social service center in an RM-1 zoned district; finding that the use has been in existence for some time, and is not detrimental to the area; and to APPROVE a **Variance** (Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts) of the rear yard setback to 1' to permit a building to line up with an existing building; finding that it coincides with a long-standing and existing building; and to APPROVE a **Variance** (Section 1205.4--Off-Street Parking and Loading Requirements) of the parking requirements; finding that there are circumstances which are peculiar and the literal enforcement of the terms of the Code would result in unnecessary hardship; per site plan submitted; on the following described property:

Lots 6 through 10, Block 1, Brady Heights and Lot 7, Block 12, Burgess Hill Addition to the City of Tulsa, Tulsa County, Oklahoma.

*See Minutes of November 29, 1984.

11.15.84:426(29)

Case No. 13386

Action Requested:

Special Exception--Section 630--Bulk and Area Requirements in Office Districts--Use Unit 1211--Request a special exception to allow floor area ratio of 40 percent; and a

Variance--Section 630--Bulk and Area Requirements in Office Districts--Use Unit 1211--Request a variance to allow a 2-story building in an OL zoned district, all under the provisions of Section 1680, located on the SW/c of 53rd and Memorial.

Presentation:

The applicant, Southern Plaza Development, was represented by Thomas Creekmore, III, 201 W. 5th Street, Suite 400, Tulsa, Oklahoma, 74103.

Protestants:

The protestants requested that the case be continued until November 29, 1984. The applicant had no objection.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13386 until November 29, 1984.

Case No. 13387

Action Requested:

Variance--Section 620--Accessory Uses Permitted in Office Districts--Use Unit 1211--Request variance of display area limitations of signs within an OMH zoned district, under the provisions of Section 1670, located S. and W. of SW/c of 31st Court and Memorial.

Presentation:

Attorney Charles Norman, addressed the Board on behalf of Roy Johnsen, who represents Dillon Inn. A special exception to permit the construction of a hotel on the subject property was granted by this Board earlier in the fall of 1984. He submitted a site plan (Exhibit P-1) and explained that the property was rezoned OMH to accommodate this specific project. In 1982 the Zoning Code was amended to specifically permit hotels within the OMH office districts as a special exception use, but no consideration was given at that time to the sign requirements. He requested approval of one entry-way sign and submitted a picture (Exhibit P-2) and an architectural rendering (Exhibit P-3). There are two wall signs requested, which will be located on the north and west walls of the hotel. An architectural rendering was submitted (Exhibit P-4) and Mr. Norman informed that one sign will be 75 sq. ft., while the other will be 50 sq. ft. A property ownership map was submitted

Case No. 13387 (continued)

showing the property within the triangle formed by the Broken Arrow Expressway, I-44, and Memorial Drive (Exhibit P-5).

Protestants: None

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to APPROVE a Variance (Section 620--Accessory Uses Permitted in Office Districts--under the provisions of Use Unit 1211) of display area limitations of signs within an OMH zoned district, under the provisions of Section 1670; per plans submitted; finding 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:

All that part of Lot 3, Interchange Center, an Addition to the City of Tulsa, Tulsa County, Oklahoma as recorded by plat No. 2336, filed October 38, 1960 with the County Clerk of Tulsa County, Oklahoma: more particularly described as follows to wit: Beginning at a point in the South boundary of said Lot 3 (the North boundary of N/2, SE/4, NE/4, Section 23, T-19-N, R-13-E) 710.00 feet from the Southeast corner thereof (760.00 feet from the Northeast corner of the N/2, SE/4, NE/4, Section 23, T-19-N, R-13-E); thence N 0°01'30" E. a distance of 340.39 feet to a point in the South right-of-way of S. 79th East Avenue; thence S. 89°56'27" E. along the south right-of-way a distance of 19.76 feet; thence along the right-of-way on a curve to the left having a radius of 190.00 feet a distance of 136.18 feet; thence N. 48°59'32" E. a distance of 0.00 feet; thence S. 60°00'00" E. a distance of 80.92 feet; thence S. 0°01'30" E. a distance of 346.63 feet to a point in the South boundary of said Lot 3 (the North boundary of the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E) 495.00 feet from the Southeast corner thereof; thence N. 89°58'30" W. along the common boundary of said Lot 3 and the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E a distance of 215.00 feet to the point of beginning, containing 76,820 square feet or 1.763538 acres, more or less.

and

All that part of the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official United States Government Survey thereof, more particularly described as follows, to wit: Beginning at a point in the North boundary of said N/2, SE/4, NE/4, Section 23, T-19-N, R-13-E (South boundary of Lot 3, Interchange Center, an Addition to the City of Tulsa, Tulsa County, Oklahoma) 760.00 feet from the Northeast corner thereof; thence N. 89°58'30" E. (N 89°58'08" E. Deed) along the

Case No. 13387 (continued)

common boundary of said N/2, SE/4, NE/4 and Lot 3, Interchange Center, a distance of 460.00 feet to a point 300.00 feet from the Northeast corner of said N/2, SE/4, NE/4; thence S. 0°01'52" E. (S. 0°01'30" E. Deed) a distance of 10.00 feet; thence N 89°58'30" W. (N 89°58'08" W. Deed) parallel to and 10.00 feet from the North boundary of said N/2, SE/4, NE/4 a distance of 180.01 feet; thence S. 0°01'30" W. (S. 0°01'52" W. Deed) a distance of 50.00 feet; thence N 89°58'30" W. (N. 89°58'08" W. Deed) parallel to and 60.00 feet from the north boundary of said N/2, SE/4, NE/4 a distance of 280.00 feet; thence N. 0°01'30" E. (N. 0°01'52" E. Deed) a distance of 60.00 feet to the point of beginning; containing 18,600 square feet or 0.426998 acres, more or less.

Case No. 13388

Action Requested:

Variance--Section 1212.4--Off-Street Parking and Loading Requirements--Use Unit 1210--Request a variance of the number of parking spaces for a private club from 24 to 5 in a CH zoned district; and a

Variance--Section 1320(d)--General Requirements for Off-Street Parking--Use Unit 1210--Request a variance to allow off-site parking for a private club in a CH zoned district, all under Section 1670, located on the NW and NE corners of 18th and Boston Avenue.

Presentation:

The applicant, Timothy Ray Barraza, 3740 South Madison, informed the Board that the subject property is the former site of Boston Avenue Street Skates. He stated that he can provide eight parking spaces on his lot and has a lease with the DX station across the street to use 30 spaces to the sides and rear of their building. The proposed restaurant and club requires 24 spaces. He submitted a site plan which shows where the additional spaces are in relation to the subject property (Exhibit Q-1) and explained that he intends to use valet parking so that his customers will not have to look for the lots. A lease is pending with MAPCO which will provide an additional 50 parking spaces from 5:00 p.m. until 7:00 a.m. A copy of the DX lease was submitted (Exhibit Q-2), as well as a petition bearing the names of 28 merchants and homeowners in this area in support of the proposed use (Exhibit Q-3). A floor plan was also submitted (Exhibit Q-4).

Comments and Questions:

Mr. Victor asked Mr. Barraza if there are presently other clubs in the area. Mr. Barraza informed that there are none at this time. The Boston Avenue Market has been closed for several months. Nine of Cups is not in the near vicinity, and Louisianne has recently reopened, but has parking on their lot. Mr. Victor questioned how Mr. Barraza can determine whether his patrons are the ones parking in the provided areas, should another club open in the area. Mr.

Case No. 13388 (continued)

Barraza explained that valet parking should take care of that, and there will be signs on the lots, also.

Mr. Victor asked the applicant if the sign will be changed and Mr. Barraza informed that it will be changed.

Protestants:

Lee Levinson, 35 East 18th Street, Tulsa, Oklahoma, 74119, informed that the applicant has been in business next to his law office for six years or more. He has no complaint of the applicant, rather with the location for this use. He presented an aerial photograph of the subject block and described it to the Board. He explained that traffic is a major problem in the area, and a use of this type will adversely affect his property. He explained that Lee Elementary School is a block down 18th Street and children will be in this area during the daytime. Mr. Barraza plans to open the bar in the early afternoon. He informed that to his knowledge the DX station cannot provide the 30 parking spaces mentioned. In his opinion the people who will be patronizing the restaurant and club will park in the most convenient space, including his own parking lot. Parking across a major street is inadequate.

Paul Naylor, Attorney, 1701 South Boston, Tulsa, Oklahoma, informed that there are several similar uses in the area and described them. He informed that there are parking problems all along 17th Street as well as on Boston Avenue. At the intersection of 17th and Boston there is extensive parking during the day which creates a hazard. Mr. Naylor informed that the DX station mentioned will be open until 6:00 p.m. each day, and that parking will be hampered by the station's business. He is concerned about the parking as it relates to and complicates the efficiency of the Fire Department located directly across the street. He requested that this application be denied.

Mame Smith, 1813 South Boston, Tulsa, Oklahoma, informed that her family owns the building occupied by the Louisianne, as well as the building occupied by the liquor store at 108 East 18th Street. She informed that when Louisianne's lease expired in November of 1983, they received several offers to lease the building to private clubs. She does not feel the neighborhood needs another private club and did not lease at that time. Louisianne has renewed their lease. There are three schools in the near vicinity and she is concerned that this club will have an adverse affect on school age children.

Interested Parties:

Randolph Jones, 320 East 29th Street, Attorney for MAPCO, Inc., informed that a lease has been drafted and sent to Mr. Barraza concerning MAPCO's parking lot. Mr. Barraza's lawyer is perusing the lease and an agreement should be reached soon. Mr. Jones informed that if terms cannot be reached, MAPCO will chain their lot from 5:00 p.m. until 7:00 a.m. He described the lease that was sent to the applicant (Exhibit Q-4), informing that there will be 50

Case No. 13388 (continued)

numbered spaces provided to Mr. Barraza. The lease is twelve months, continual from year-to-year. Mr. Jones pointed out that there is a 30-day termination provision stating that MAPCO has the right, without cause, to terminate the lease with a thirty-day notice. He stated that this lease is on a trial basis and if the terms are not met, they intend to terminate it. The lease is for the hours of 5:00 p.m. until 7:00 a.m., with the provision that MAPCO employees can use the lot after 5:00 p.m. MAPCO felt that allowing the lot to be open until 7:00 a.m. would allow Mr. Barraza's patrons the opportunity to take a cab home, if necessary, and pick their cars up the next morning.

Additional Comments:

Mr. Clugston asked the applicant the proposed hours of operation. Mr. Barraza informed that he prefers to be open from 11:00 a.m. until 2:00 a.m., but will comply with this Board's decisions.

Mr. Clugston asked about the lease with the DX station. Mr. Barraza informed that the DX station does not use the lot behind their station during the daytime. The DX lease allows Mr. Barraza to use the lot twenty-four hours a day.

Mr. Barraza informed Mr. Clugston that he expected to serve mostly walk-in patrons during the noon hour.

Ms. Hubbard informed that the key issue is parking. With the change in use, Mr. Barraza is required to provide 24 parking spaces on the lot of use. The Code amended the parking requirements for private club use; however the applicant has demonstrated to the Board that he can provide the required number of spaces, if he can be allowed to provide them off the lot of use.

There was discussion preceding the motion in regard to requiring a lease-hold agreement with approval.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to DENY a **Variance** (Section 1212.4--Off-Street Parking and Loading Requirements--Under the provisions of Use Unit 1210) of the number of parking spaces for a private club from 24 to 5 in a CH zoned district; finding that the approval of the second variance requested voided the need for the first one; and to APPROVE a **Variance** (Section 1320(d)--General Requirements for Off-Street Parking--Under the provisions of Use Unit 1210) to allow off-site parking for a private club in a CH zoned district, all under Section 1670; finding that the literal enforcement of the Code would result in unnecessary hardship, as there is no area on the site for parking; and that the overflow will not affect a residential area; 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; subject

Case No. 13388 (continued)

to the applicant maintaining the lease agreement for the property occupied by the DX station and/or the parking lot owned by MAPCO (including a lease-hold agreement); and that the hours of operation be limited to the hours during which the required off-street parking can be met through these leases; on the following described property:

Lots 5 and 6, Block 2, Lot 6, Block 1, Stutsman Addition to the City of Tulsa, Tulsa County, Oklahoma.

On MOTION of VICTOR and SECOND by PURSER, the Board voted 3-1-0 (Purser, Smith, Victor, "aye"; Clugston, "nay"; no "abstentions"; Chappelle, "absent") to AMEND the former motion to include the condition that the applicant provide directed or valet parking during all hours of operation.

OTHER BUSINESS:

Case No. 11761

Action Requested:

Approval of revised plot plan.

Presentation:

The applicant, Fellowship Bible Church, was represented by Rick Schumaker, 3257 South 122nd East Avenue, Tulsa, Oklahoma, who explained the church's desire to build an addition to the existing church. The addition will be less than 10,000 sq. ft. and will be to the west of the existing facility. The property is 7.37 acres on the south and west of 91st Street and Hudson Avenue. The original plot plan approved in 1981 showed a future addition, which would be the worship center (sanctuary). He submitted the revised plot plan and discussed it with the Board (Exhibit R-1).

Protestants: None

Board Action:

On MOTION of PURSER and SECOND by CLUGSTON, the Board voted 3-0-1 (Clugston, Purser, Smith, "aye"; no "nays"; Victor, "abstaining"; Chappelle, "absent") to APPROVE the revised plot plan submitted (Exhibit R-1).

Case No. 13395

Action Requested:

Withdrawal of Case No. 13395 and refund of all fees.

Presentation:

Mr. Jones, (Staff), informed the Board that this applicant has become aware that he has the additional relief he was requesting in the application, and wishes to withdraw the case and be refunded the fees. The case has not been advertised, so all fees can be refunded.

Case No. 13395 (continued)

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 4-0-0 (Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") to WITHDRAW Case No. 13395 and refund all fees.

Subject:

Interpretation of Mother Tucker's.

Presentation:

Paula Hubbard presented information concerning Mother Tucker's House of Prayer and Love, and opened discussion in regard to what Use Unit this would fall under.

Comments and Questions:

The Board discussed this use, as opposed to typical Salvation Army uses that have been considered Use Unit 5 in the past. There was discussion about the location of the House of Prayer and Love, and whether or not it was "compatible" with the residential neighborhood. In the past such uses have warranted no "control" by the Board; however, Ms. Hubbard feels that the Board has a responsibility to the community to protect its residential nature. There was discussion about the Board's responsibility in the situation and a motion was brought before the Board.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, "absent") that according to the information furnished, Mother Tucker's House of Prayer and Love falls under the rules and regulations of Use Unit 5, barring any other evidence to the contrary.

Date Approved _____

_____ 
Chairman

11.15.84:426(36)

