

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 427  
Thursday, November 29, 1984, 1:00 p.m.  
City Commission Room, Plaza Level  
Tulsa Civic Center

**MEMBERS PRESENT**

Chappelle  
Clugston  
Purser, in at 1:11 p.m.  
Smith, out at 5:08 p.m.  
Victor

**STAFF PRESENT**

Gardner  
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 27, 1984, at 11:35 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 CLUGSTON 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 Case No. 13359.

**UNFINISHED BUSINESS:**

**Case No. 13363**

**Action Requested:**

Special Exception—Section 910—Principal Uses Permitted in the Industrial Districts—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 25th West Avenue.

**Presentation:**

The applicant, Gene Paddock, 125 South 25th West Avenue, informed that he has operated a garage on the subject tract for twenty years and wishes to continue using part of the property for salvage. This case was continued from November 1, 1984 to allow the Staff to correct the legal and readvertise. An aerial photograph was submitted and discussed with the Staff and Board members (Exhibit "A-1"). Mr. Gardner explained where the IM District boundary line is, and stated that anything south of that line belongs to Tulsa County.

**Comments and Questions:**

Mr. Clugston asked the applicant how many cars he intends to have on the property. Mr. Paddock informed that he will keep no more than

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thirty cars on the property at a time. He stated that if he continues the auto repair work, he needs to keep cars on the property to dismantle parts. When the cars are stripped, they will be taken to the "shredder." He also stated that he will not be expanding his business, rather maintaining it.

Mr. Victor asked if the applicant is aware of screening requirements, and was informed that he is.

Protestants:

Frenchy Loving, 432 South 51st West Avenue, informed that she is the spokesperson for District 10 and the West of Main Improvement Association. There are area residents present who asked her to submit their petition (Exhibit "A-2"), which states their reasons for protest. She submitted pictures of the area (Exhibit "A-3"), and described the "attractive subdivision" which is adjacent to the salvage yard. It is her opinion that the salvage yard is detrimental to the neighborhood. She informed that years ago, West of Main Improvement Association petitioned the County to buy out a salvage yard that was adjacent to Mr. Paddock's property. It was 7 1/2 acres with cars stacked three high. The neighbors found it intolerable, so the Tulsa County Commission recommended that the County buy the property and redevelop it. It is now the location for the Parks Department, the maintenance garages and the welfare services. These organizations do not want another salvage yard in the area. In answer to a question by Mr. Jackere, Ms. Loving informed that they are not well informed as to the use on the subject property. She said they are under the impression that the business is a repair service, and not a salvage. Mr. Jackere informed her that the applicant represented to the Board that he has used the property as salvage for many years.

Ms. Bonnie Batt, 2117 West Archer Place, informed that she helped with the petition and they are requesting that Mr. Paddock not be allowed to expand. They would like sufficient screening required, also. There is a batch plant adjacent to the subject property and there is considerable confusion regarding the traffic lanes which access the interstate highway. Ms. Batt requested that the Board set restrictions that will prohibit Mr. Paddock from burning trash on his property. She informed that she has lived in the area for eight years.

Don Braiser, 2517 West Brady Street, informed that he owns the property that is adjacent to the subject property across the street to the North. Mr. Paddock has been stacking cars for the last several years, and it is unsightly. The County has invested a lot of time and money into the cleanup of the area and the residents would like to see the area maintained.

John Selph, County Commissioner, informed that this property is in his district and he has been informed that many of the area residents are concerned about the operation. He clarified for the

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Board that the property that was cleaned at the County's expense is County land.

Applicant's Rebuttal:

Mr. Paddock informed that he has tried to be a good neighbor to the area and gave examples of the many ways he has helped those who own land around him. He is trying to make a living and feels that this will be an appropriate use for the land.

Additional Comments:

Mr. Victor asked if Mr. Paddock sells the cars after he uses what parts he needs. He explained that he would sell an engine if someone wanted to buy one. He does not advertise to the public.

Mr. Jackere asked Mr. Paddock if he dismantled cars to use parts for repair work over twenty years ago. He reported that he did use cars for salvage over twenty years ago. Mr. Jackere asked if he could provide any evidence of that fact. Mr. Paddock informed that he does not have anything with him to substantiate his claim, but he could provide it.

Mr. Victor asked if Mr. Paddock burns trash on his property. He stated that he does not.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 4-0-1 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; Purser, "abstaining") to CONTINUE Case No. 13363 until December 13, 1984 to allow the applicant time to furnish evidence of a nonconforming use (salvage) on the subject property and to allow the Staff time to visit the site.

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 West of 30th Street North and Sheridan.

Presentation:

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

Protestants: None

Comments and Questions:

Mr. Jackere informed that this case was continued from November 15, 1984 to allow time for legal counsel to investigate suggestions that one of the mobile home inspectors offered to sell pedestals to the applicant. Mr. Jackere advised the Board that the inspector stated that he did offer to help Mr. Wilkins locate pedestals, but did not

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offer to sell them to him. Mr. Jackere informed that he has still not found an ordinance from which Mr. Wilkins needs relief. In his opinion, this Board does not have any jurisdiction.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to STRIKE Case No. 13364 from the agenda.

Case No. 13375

Action Requested:

Use Variance—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1211—Request a variance to allow a law office in an RS-3 zoned district (Approved November 15, 1984); and a

Variance—Section 420—Accessory Uses in Residential Districts—Request a variance to allow a sign for 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, reminded the Board that his request for a law office in an RS-3 zoned district was approved on November 15, 1984 and that he is currently requesting that he be allowed to put a sign in the yard of the practice. He informed that he would subject the sign to the restrictions placed on signs in an OL zoned district. He suggested that a 32 sq. ft. sign would be in good taste.

Protestants: None

Comments and Questions:

Mr. Gardner informed that the zoning is still residential and that a 16 sq. ft. sign would be permitted in residentially zoned districts. He suggested that the sign be restricted to the Harvard side of the building, away from the residential area of the neighborhood, and that it be placed behind the front building line.

Mr. Smith asked Mr. Stites if the sign will be a ground sign. Mr. Stites informed that it will be.

Ms. Purser asked if there is a height limitation on signs in residential areas. Mr. Stites informed Ms. Purser that the corner is elevated and there is no need for a height restriction.

There was discussion about the location of the sign.

Board Action:

On MOTION of CLUGSTON, AMENDMENT by PURSER, and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to APPROVE a Variance (Section

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-420—Accessory Uses in Residential Districts) to allow a sign for a law office (approved November 15, 1984) in an RS-3 zoned district; finding the variance is compatible with the Use Variance granted on November 15, 1984; subject to the sign being no larger than 10 sq. ft.; subject to the sign being placed between the existing structure on Harvard, within the existing building lines; and subject to constant lighting, if lighting is used; on the following described property:

Westerly 50 feet 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. 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 .395 floor area ratio (as amended); 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 zoned district, located N. of NE/c of 54th Street and Lewis Avenue.

Presentation:

The applicant, Moulin, Brandt and Associates, was represented by Attorney Roy Johnsen, 324 Main Mall, Suite 900, Tulsa, Oklahoma. He reminded the Board that they have the authority to grant a special exception to increase floor area to .40 under the present zoning ordinance for OL zoned districts. His clients are seeking .395 floor ratio. In addition to this request they are seeking a variance of the height limitation from one-story to a split-level one-and-a-half story structure. He presented a map and described two units, one on either side of Lewis Avenue to the South of the subject property, which are two-story developments. On the east side of Lewis near 51st Street, there is a CS/RM-1 zoned district which is appropriate for 3-story units. His clients corresponded with all the property owners within 300 feet of the subject property and found no objections to either request. He submitted plans which include elevations and a site plan (Exhibit "B-1") and described the slope of the property, which has dictated the design of the building. There were pictures submitted also (Exhibit "B-2"). He stated that a one-story would require extensive "cut and fill", which would implement a complete tree loss. These trees are a desirable resource to the property owners. Mr. Johnsen suggested that the proposed structure is compatible with the surrounding

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property, and noted that they are not requesting a variance of the screening or the required off-street parking requirements. He stated that the hardship is the topography of the property (an average 7 percent grade), and the saving the trees.

Protestants: None

Comments and Questions:

Mr. Smith suggested that the root structures might suffer from the paved parking lot, to which Mr. Johnsen replied that the parking lot was architecturally designed with saving the trees in mind.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to APPROVE a Special Exception (Section 630—Bulk and Area Requirements in the Office Districts—Under the provisions of Use Unit 1211) to permit a .395 floor area ratio; and a Variance (Section 630—Bulk and Area Requirements in the Office Districts—Under the provisions of Use Unit 1211) to permit a 1 1/2-story building, all in an OL zoned district; finding that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; subject to the plans submitted; on the following described property:

Lot 1, Block 1, Heartburn Hill, an addition to the City of Tulsa, Tulsa County, Oklahoma.

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 Ralph Jones, 4720 South Harvard, Suite 206, Tulsa, Oklahoma, who submitted an artist's rendering of the proposed plan (Exhibit "C-1") and explained that the variance request is for lots 1, 6, 7 and 12 of the Waterbridge Addition to the City of Tulsa. These lots are the corners of the subject tract. A model was presented to the Board which depicts the nature of the development. The structures are not complete two-story units, rather one-story units with pitched roofs to allow additional space in the attic for an office. He described the problem they had in designing these structures around the sewer

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easements, which decreased their useable land area. Thus, they are seeking to increase the floor area ratio to reclaim the loss. (Natural drainage took up 30 percent of the buildable area). The private roads necessary to plat the property took up a substantial amount of space on the four corner lots. He informed that the issue with the protestants is a privacy issue, and Southern Plaza Development has addressed that issue by restricting the walls abutting residential areas from having windows. He explained that the rooflines will be designed with the same "pitch" as the others in the development and will be approximately four feet higher than the office structure next door. That increase is necessary, since the buildings on these four lots were widened 8' to accommodate the increase in floor area. He informed that in meeting with the property owners within 300', the issue of parking was a concern. He informed the Board that they intend to meet the required off-street parking requirements on the lots. Their drainage plan was designed by Sisemore-Sack-Sisemore and approved by the City of Tulsa. He explained that the one-story structure is allowed by right and they are only asking that they be allowed to put a corridor down the center of the attic and put office space along one side. Mr. Jones informed that they are not opposed to traffic control signs.

Comments and Questions:

Mr. Victor asked about the buildings on the other lots. Mr. Jones informed that they are willing to file a restrictive covenant restricting the use of the attic space to the four lots mentioned earlier. The buildings on the other lots will use only their ground floors.

There was discussion about which buildings could not have windows, and on which sides.

Mr. Jones asked that the Board consider allowing a skylight in the roofs to allow some sunlight in the attics.

Protestants:

Steve Maxwell, 7912 East 53rd Street, Tulsa, Oklahoma, informed the Board that his home is most affected by the proposed development. He lives adjacent to Lot 12. In January, 1982, the neighborhood accepted single-story OL zoning. In March, 1982, and April, 1983, the TMAPC denied a CS zoning request by the developer, stating that single-story OL zoning was the highest and best use for the property. On May 31, 1983, the City Commission agreed with the TMAPC and upheld their denial of CS zoning. A change from strict OL zoning would increase the density ratio in this area, and the Commission agreed that this would be inappropriate. The neighborhood still maintains that single-story OL zoning is the only appropriate use of the subject property, and he submitted a petition from 168 surrounding residents in protest of the application (gathered in two evenings) (Exhibit "C-2"). He recognized the sixteen homeowners present who could come to the meeting to register their protest (listed below). He submitted pictures of the subject

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property and adjacent property (Exhibit "C-3") and described them to the Board. One of the pictures showed the hedgeline from a 38' peakline, indicating where the roofline will be on the building adjacent to his residence. He explained that there have been other developments in the area which the neighborhood has supported. They feel in this situation they are justified in their protest, considering the increased traffic, the invasion of privacy and the devaluation of the private property values. He requested that the Board consider that the families in this area have only their homes and their families to protect (with homes in the "\$100,000.00 range") and there are no two-story homes in the area. Surrounding areas have been developed successfully without this increase in floor area ratio and he requested that this application be denied.

Applicant's Rebuttal:

Mr. Jones informed that several of the surrounding property owners requested that the row of trees between his property and the abutting Residential district be left. They have complied with that request. He feels that the protestants do not understand that their request for privacy can be met. He stated that he has tried to work with the homeowners to derive a plan which will be suitable to both parties. There is not one structure closer than 65 feet to the property line, while the Code would allow them a 10 foot rear yard setback. The structures are residential in nature, being 65 percent wood and stone, with Anderson windows.

Additional Comments:

Mr. Clugston asked Mr. Jones if construction is underway. Mr. Jones informed that they have started construction only on the buildings which do not require relief from this Board.

Ms. Purser asked Mr. Victor questions about the pitch of a normal residential roofline. Mr. Victor explained that a typical one-story home would be anywhere from 4-12 to 6-12, while a 12-12 pitch would not be unusual for an older one-story home.

Additional Protestants:

Yuganda Walker Clinton, 5415 South 79th East Avenue, informed that her property abuts the south end of the subject property. She stated that the Matthews Company developed a tract of land in this neighborhood and asked for a variance to allow a 30 percent floor ratio, whereas in this case, the applicant is asking for 40 percent floor area ratio. She informed that the Matthews Company proposed a 40 percent ratio, but it was contested by the neighborhood, and was subsequently changed.

Others protestants present: Duane and Glenda Suchy, 5319 South 79th East Avenue; Milo Reno, 5403 South 79th East Avenue; Barbara Reid, 5324 South 79th East Avenue; E. K., Jr. and Marilyn Knouse, 5407 South 79th East Avenue; M. D. Rhodes, 7824 East 53rd Street; Lois Johnson, 7956 East 55th Street; Bill Clinton, 5415 South 79th East Avenue; Betty Baber, 5325 South 79th East Avenue; LaShanda King,



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9805 South 77th East Avenue; Phyllis Friesner, 7812 East 55th Street; Karen Dewberry, 5514 South 78th East Avenue; Gayle Freeman, 5420 South 79th East Avenue; and Kenneth A. Lovell, Jr. 7622 East 55th Street.

Additional Comments:

Mr. Victor expressed sympathy with the property owners' concerns, but informed the Board that the pitch of the roof meets the Code's requirements and the only issue is whether or not to let them use the space that will be provided in the attic. In his opinion this is a good plan to utilize the space available without altering the building or changing the nature of the development, since the floor area increase is internal. This development is an excellent transition because the design is residential in nature.

There was discussion regarding the two requests and whether either one could be considered independent of the other.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-2-0 (Chappelle, Smith, Victor, "aye"; Clugston, Purser, "nay"; no "abstentions") to APPROVE a Special Exception (Section 630—Bulk and Area Requirements in Office Districts—Under the provisions of Use Unit 1211) to allow a floor area ratio of .40, 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; and to APPROVE a Variance (Section 630—Bulk and Area Requirements in Office Districts—Under the provisions of Use Unit 1211) to allow a 1 1/2-story building in an OL zoned district, under the provisions of Section 1680, finding a hardship in the fact that there is space provided which can be used for a practical purpose, and the applicant is providing the required off-street parking for that space; finding that the space is not actually a second story, but rather an attic; and 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; prohibiting windows or dormer windows in the buildings on the West side of lot 12, and the Southwest side of Lot 7, facing the residential area; per plot plan, building materials and elevations submitted (including a photo of the model for the file; on the following described property:

Lots 1, 6, 7, and 12, Waterbridge Addition to the City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

The Board requested that a color copy of the site plan and a photograph of the model be submitted to the files.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13398

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 25' rear yard setback requirement to 20' to permit an addition to an existing dwelling in an RS-1 zoned district, located S. of SE/c of 64th Street and Louisville Avenue.

Presentation:

The applicant, Jenkin Lloyd Jones, Jr., was represented by Casper Jones, 1302 South Fulton, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit "D-1") and explained that Olsen-Coffey Architects designed an addition to an existing dwelling at this location. A plot plan was included on the plat of survey (Exhibit "D-1") showing the addition. There is a large tree on the lot which the applicant wants to save, therefore, the addition is designed around it, creating the need for the variance. The addition will encroach one neighbor's view, but a solution has been reached with him.

Protestants: None

Interested Parties:

James Hirlinger, 6457 South Louisville, Tulsa, Oklahoma, 74136, informed that he is the neighbor whose view is hampered by the proposed addition. He has no protest, since they have reached a solution by realigning the fence, which will not impede the line of sight from his dwelling.

Steve Olsen, 324 East 3rd Street, of Olsen-Coffey Architects, explained that the addition will be the same design as the existing structure. The outside is brick and wood siding.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") 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 25' rear yard setback requirement to 20' to permit an addition to an existing dwelling in an RS-1 zoned district; finding that by reason of the unusual shape of the lot and the circumstances involving the tree, the literal enforcement of the terms of the Code would result in unnecessary hardship; per plot plan submitted; on the following described property:

Lot 3, Block 2, Southern Hills Second Addition to the City of Tulsa, Tulsa County, Oklahoma.

11.29.84:427(10)

Case No. 13400

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD, and RM zoned districts—Use Unit 1206—Request a variance of the 60' setback from the centerline of 58th Street to 59.7' for an existing dwelling in an RS-1 zoned district, located E. of NE/c of Florence Avenue and 58th Street.

Presentation:

The applicant, Dale Carter, 3117 East 58th Street, Tulsa, Oklahoma, informed that he was attempting to sell his house when a surveyor discovered that a portion of the front of the house is 3/10 of a foot over the front building line. He needs the variance so that the property can be sold. A plat of survey was submitted (Exhibit "E-1").

Protestants: None

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to APPROVE a Variance (Section 430.1—Bulk and Area Requirements in the RS, RD and RM zoned districts—Under the provisions of Use Unit 1206) of the 60' setback from the centerline of 58th Street to 59.7' for an existing dwelling in an RS-1 zoned district; finding that such extraordinary circumstances do not apply generally to other property in the same use district; on the following described property:

Lot 2, Block 1, Fairway Manor, an addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 13370

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM zoned districts—Use Unit 1206—Request a variance of the lot width from 100' to 30' to permit a lot split in an RS-1 zoned district, located S. of SE/c of 9th Street and 83rd East Avenue.

Presentation:

The applicant, Herb Fowler, 1218 North 91st East Avenue, Tulsa, Oklahoma, informed that the request is to permit a lot split. He submitted a plot plan (Exhibit "F-1") and informed that he has four letters from adjoining neighbors in support of this application.

Protestants:

Bert Miller, 8301 East 11th Street, informed the Board that she lives on 2 1/2 acres adjoining Mr. Fowler's property. She has lived there for 32 years. She and Mr. Fowler discussed the building of duplexes on the subject property, and she informed him that she

Case No. 13370 (continued)

would not approve of duplexes next to her property. There are no other duplexes in the neighborhood and she does not feel that duplexes conform to the nature of single-family dwelling districts. She stated that the lot split includes a 30' easement for a road down the center of the property. She expressed concerns over allowing Mr. Fowler permission to build a road without specifying use on the property. She discussed earlier action taken on the subject property, which includes a bus parking lot, a gasoline pump and a garage. She stated that her primary concern is that the Board require Mr. Fowler to follow the "norm" of the rest of the neighborhood when developing his property. She informed that the subject property is in a flood prone area and she understands that there is a moratorium on building in these areas.

Comments and Questions:

Mr. Jackere explained that if the property is not designated FD, he can build on the property. Any motion can be subjected to a hydrology report.

Mr. Smith explained to Ms. Miller that the property is still RS-1 zoning and any uses that have been allowed in the past were allowed by special exception to the zoning. Duplexes are not allowed in an RS-1 District by right, and Mr. Fowler is not advertised for duplexes. The only issue before this Board today is the lot split, which has been approved by the TMAPC and permits a "handle" to provide access to both lots. However, there will not be a 30' road down the center of the lots.

Mr. Jones informed that the special exception to allow bus parking was granted for a church's use and has expired since it was not used within the three-year time limit.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") 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 100' to 30' to permit a lot split (L-16295) in an RS-1 zoned district; finding that the lot size is larger than RS-1 requirements, and 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 to Hydrology Department approval before any structure can be built; on the following described property:

The south 152.5' of the East 305' of Lot 4, Block 4, Clarland Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13372

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD, and RM Districts—Use Unit 1207—Request a variance of the lot width from 60' to 45'; land area from 4200 sq. ft. to 3825 sq. ft.; lot area from 6900 sq. ft. to 6525 sq. ft.; side and rear yard setbacks from 10' to 9'; setback from the centerline of King Street from 50' to 45'; and setback from the centerline of Denver from 65' to 62.6', all to permit a lot split in an RM-1 zoned district, located on the NE/c of King Street and Denver.

Presentation:

The applicant, Roy Girod, Route 2, Box 2, Glenpool, Oklahoma, 74033, informed that the subject property is a large lot with 2 houses on it. The lot split will allow him to rent the second house with an "option to buy." The TMAPC approved the lot split on November 21, 1984. He informed that the lot split will allow him to finance the houses separately. A plot plan was submitted (Exhibit "G-1").

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to APPROVE a Variance (Section 430.1—Bulk and Area Requirements in the RS, RD, and RM Districts—Under the provisions of Use Unit 1207) of the lot width from 60' to 45'; land area from 4200 sq. ft. to 3825 sq. ft.; lot area from 6900 sq. ft. to 6525 sq. ft.; side yard and rear yard setbacks from 10' to 9'; setback from the centerline of King Street from 50' to 45'; and setback from the centerline of Denver from 65' to 62.6'; all to permit a lot split (L-16299) in an RM-1 district; finding the hardship to be that there are two dwelling units in existence on one lot of record; finding that the literal enforcement of the terms of the Code would result in unnecessary hardship; and finding that the variance granted 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:

Lots 7, 8 and 9, Block 10, Burgess Hill Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13383

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 100' to 0' to permit a lot split with a private street in an RS-1 zoned district; and a

Variance—Section 207—Street Frontage Required—Request a variance of 30' minimum of frontage on a public street to 0' for a lot split, located S. and E. of 72nd Street and Columbia Avenue.

Case No. 13383 (continued)

Presentation:

The applicant, John Rupe, 2800 East 71st Street, Tulsa, Oklahoma, informed that the subject property is a landlocked property adjacent to a development being platted as Rockwood Hills Pond Addition. There is no frontage at the present time, other than a 20' strip on the east end. The grade on the east 20' is approximately 25 percent. He informed that he purchased the tract to the north of the subject property (not subject to the approval of this application), causing the subject tract to be landlocked. At that time, he dedicated a 30' easement to access the subject property. He stated that his hardship is based on the facts that the only frontage is 240' from the subject property and is a 25 percent grade, which far exceeds allowable grade percentages. He submitted a sketch plat (Exhibit "H-1").

Comments and Questions:

Mr. Gardner explained the sketch plat (Exhibit "H-1") and informed the Board that the applicant is merely dedicating easement to another property owner. There was discussion about the plat.

Mr. Jones explained that the Technical Advisory Committee tabled this lot split because of problems, and the TMAPC has not heard it, yet. This Board can act subject to TMAPC approval.

Ms. Purser asked what TAC's questions were. Mr. Jones informed that the land was originally platted as part of Rockwood Pond Addition and this lot split is splitting part of a platted subdivision. These lots would be in violation of the subdivision covenants.

Protestants:

Bob Harrison, 2850 East 72nd Street, Tulsa, Oklahoma, informed that he owns the lot adjacent to the east of the subject property and objects to the application only if the street easement runs on his side of the subject property.

Wade Freids, 7752-D South Victor, Tulsa, Oklahoma, represents Oral Roberts University, which owns the adjoining lot to the south of the subject property. There are three adjacent homes on this property which belong to the school, and Mr. Freids requested that the case be continued to allow him time to become familiar with the facts of the case, so that he might represent the school's concerns accurately.

Additional Comments:

Mr. Smith informed Mr. Freids that this Board might take action subject to TMAPC approval and he will have time to discuss his concerns with Mr. Rupe during that interval.

Mr. Jackere informed the Board that the first variance request does not make sense, from a legal standpoint, since a lot cannot have zero width. He stated that he feels it is inappropriate for the Board to take action on the first request.

Case No. 13383 (continued)

Mr. Gardner informed that the second variance is the only one that is needed.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to APPROVE a Variance (Section 207--Street Frontage Required) of 30' minimum of frontage on a public street to 0' to allow the access requirement; subject to the lot split (L-16309) being approved by TMAPC; finding that the variance granted 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:

South half of the North 414' of South 717' and the East 20' of the North Half of the North 414' of the South 717' of East 14 acres of NE/4, NW/4 of Section 8, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13389

Action Requested:

Variance--Section 250.2--Permitted Yard Obstructions--Use Unit 1206--Request a variance of the 2' eave projection to 3.5' into the side yard to allow an addition to an existing dwelling in an RS-1 zoned district, located at 1844 East 42nd Street.

Presentation:

The applicant, Gilbert Grubbs, 1844 East 42nd Street, was represented by Stephen Turner of Turner-Fox Architects, One Williams Center, Tulsa, Oklahoma, 74172. Mr. Turner submitted a site plan (Exhibit "I-1") and explained to the Board that there is a 5' sideyard setback required, which allows for a 2' overhang. The proposed addition (under construction) will encroach an additional 1.5' into the setback. Since the addition sits at an acute angle from the property line, only the corner of the roof overhangs into the setback. The homeowner has constructed a screening fence and the projection will have no visual impact on the neighbor's house. He submitted a picture of the addition and described it (Exhibit "I-2").

Protestants:

Dr. Ed Moore, 1818 East 42nd Street, informed that his home is adjacent to the Grubbs' property. He bought his land in 1952 and when he built his home in 1954, he was restricted to 30' sideyard setbacks. The subdivision covenants were signed by the homeowners for a twenty-year period, which has expired. At that time, the subdivision was a settled neighborhood and no one expected any problems, since the existing dwellings complied with the rules of that covenant. The covenant was not renewed. Mr. Grubbs is a

Case No. 13389 (continued)

recent owner who was not a party to the original covenant. Dr. Moore explained that he is unhappy with the appearance of the addition to the Grubbs' home, and the overhang encroachment is on the side of the property that is adjacent to his yard. He explained that he has spoken to Mr. Grubbs and he does not feel that it is an intentional mistake. Dr. Moore stated that he called Code Enforcement and they sent out an Inspector who told the construction crew to cease working on the addition until the matter was settled before the Board. It has been six or seven weeks and the addition is completed. He submitted pictures (Exhibit "I-3") and described them to the Board, explaining that since they were taken, a six-inch gutter was added to the encroaching overhang.

Comments and Questions:

Ms. Purser asked what the Building Inspector's office told the construction crew that led them to believe they could continue working on the addition. Ms. Hubbard explained that they were told that the addition encroached the sideyard setback, and the Inspector halted further inspections on the property.

Mr. Gardner informed the Board that they can deny the request, if they so choose, and the contractor will have to comply with the City Ordinance, even though the structure has already been built.

Ms. Purser asked if the overhang is the only encroachment. Ms. Hubbard informed that the building is in compliance with the Code, but the overhang is not.

Mr. Clugston asked Ms. Hubbard why the addition was completed after the Inspector stopped work on it. Ms. Hubbard explained that one of the Inspectors indicated that he allowed work to continue at their own risk. The contractor agreed that if the Board did not approve the overhang, they would cut it back.

Mr. Victor asked Mr. Turner what the dimensions of the eave overhang are. Mr. Turner informed that the eave is 4', but that it is entirely on the subject property.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to DENY a Variance (Section 240.2—Permitted Yard Obstructions—Under the provisions of Use Unit 1206) of the 2' eave projection to 3.5' into the side yard to allow an addition to an existing dwelling in an RS-1 zoned district; finding that the applicant did not meet the burden of proof to show a hardship; on the following described property:

Beginning at the Northeast Corner of Lot 2, Block 5, Correction Plat of Oakwold Subdivision, an Addition in Tulsa County, Oklahoma; thence Southwardly along the East line of said Lot 2, of said Block 5, a distance of 199.8 feet to the Southeast



Case No. 13389 (continued)

Corner of said Lot 2; thence Westwardly along the South line of said Lot 2, a distance of 175.0 feet to a point, said point being likewise the common corner of Lots 6 and 7, of said Block 5; thence in a Northeasterly direction across said Lots 2 and 3, of said Block 5, a distance of 339.86 feet to a point on the North line of said Lot 3, said point being 34.89 feet West of the common corner of Lots 2 and 3; thence Eastwardly and along the North line of said Lots 3 and 2, a distance of 216.0 feet to the Place of Beginning; LESS AND EXCEPT the South 32.0 feet thereof, all in the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and known as 1844 East 42nd Street South.

11.29.84:427(17)



Case No. 13390

Action Requested:

Variance--Section 1219.3--Use Conditions--Use Unit 1219--Request a variance of the screening requirement from an abutting R district for a bar in a CS zoned district, located W. of NW/c of 36th Street North and Sheridan Road.

Presentation:

The applicant, Jack Baker, 6405 East 36th Street North, informed that he is requesting a variance from the screening fence requirement from an abutting Residential district. Mr. Baker stated that the residential property which abuts the subject tract is the Tulsa Zoo. He does not feel that he should be required to screen from the zoo since there are no "residents" other than the animals. He also informed the Board that there is a "convenience" store inside the zoo which is not screened from the rest of the zoo. He informed that his property is separated from the Park by a power line (100' easement), a railroad track, a vacant lot, and a service road which leads into the zoo. He informed that he is requesting a refund of fees because the application was advertised for a bar use, and he has no intention of putting a bar on his property. He does not understand how the City of Tulsa can be granted exceptions and variances for their various requests when it is difficult for a private citizen to accomplish the same thing. The City has offered to buy his property several times and has tried in many ways to prevent him from developing it as he wants to. He stated that the City has protested every action he has applied for. It has taken him a year-and-a-half to acquire a Building Permit and now he is required to screen his store from the zoo. He informed that the water runoff from his property is buffered by the railroad tracks. A letter requesting a refund of his fees was submitted (Exhibit J-1).

Comments and Questions:

Mr. Jones informed the Board that the Staff member who took this application was under the impression that Mr. Baker wanted the property advertised as a bar. However, Mr. Jones pointed out that the use is not before the Board and either of these two uses will require screening from an abutting Residentially zoned district.

Mr. Smith informed that the City of Tulsa comes before the appropriate Boards with their requests just like private citizens, and their chances are the same. If the uses or variances comply with the Board's authority to grant their request, then the request is granted; and if not, they must abide by the literal enforcement of the Code.

Mr. Baker reminded the Board that privacy fences cost approximately \$6.00 per running foot and his property has 900 feet abutting Residential property; yet, the properties are separated by approximately 500' of easement, railroad tracks, etc. In answer to a question from the Board, Mr. Baker informed that his property is visible from the zoo property.

Case No. 13390 (continued)

Mr. Baker explained that he does not understand how the zoo can be considered residential when they charge admission into the park and sell food and souvenirs. Mr. Clugston expressed sympathy with the situation, but directed attention back to the request before the Board.

Mr. Clugston asked Mr. Baker on what grounds he requested the refund. He stated that he did not care how the request was worded, he just wants his money back.

Mr. Jackere explained to Mr. Baker that the Board can refund his fees if they close the hearing at this point and take no action on the case. Mr. Baker informed that he would pay the hearing fee, if they would refund the other fees.

Mr. Clugston explained the reason for a fee, stating that Mr. Baker is not unlike anyone else who needs a variance or a special exception.

Mr. Jackere informed the Board that this is a special exception case, not a variance. He informed that the special exception allow the Board is entitled to remove screening where the purposes of the screening cannot be achieved.

Ms. Purser asked Mr. Jackere if the screening could be waived on the zoo side of the subject property, and on the other side abutting Residential property "until the land is developed". Mr. Jackere informed that is possible and the Code allows the Board to waive the requirement until "such time as the property is developed."

Protestants:

Dave Zucconi, Director of the Tulsa Zoo, 5701 East 36th Street North, informed that the taxpayers of Tulsa have spent millions of dollars over the past several years to upgrade the zoo into a zoological park. (A zoo is a collection of animals, and a zoological park is a collection of animals in an attractive setting). He feels it would be a shame to offset the taxpayers' investments by allowing any type of activity that is incompatible with the surroundings of the zoo to remain unscreened. He pointed out that the road Mr. Baker referred to earlier is the main entrance to the zoo. Mr. Baker's property is clearly visible from that entrance. In answer to a question from the Board, Mr. Zucconi stated that he is in protest of the variance. He informed that he represents the zoo exclusively, not Mohawk Park.

Charles Nutter, Assistant Director of Tulsa Parks and Recreation Department, City Hall, informed that he has jurisdiction over the zoo, as well as Mohawk Park. He stated that he is aware that Mr. Baker can put a convenience store on his property by right, but the Parks and Recreation Department is in protest of the variance of the screening requirements. Mr. Baker's property is clearly visible

Case No. 13390 (continued)

from a large portion of the zoo and the screening fence is necessary to maintain the atmosphere the zoo patrons are paying for.

A letter of protest was submitted from Ventech, Inc. (Exhibit J-2).

Applicant's Rebuttal:

Mr. Baker pointed out that there are no residents within the Residentially zoned property known as the Tulsa Zoo. Mr. Zucconi, nor Mr. Nutter live on the property.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, "aye"; no "nays"; no "abstentions") to **DENY** a **Special Exception** (Section 1219.3-Use Conditions--Under the Provisions of Use Unit 1219) of the screening requirement from an abutting R district for a convenience store in a CS zoned district; and to **DENY** a request for a waiver of fees; on the following described property:

Part of the Southeast Quarter of the Southeast Quarter; Beginning 60 feet North of the Southwest corner of the Southeast Quarter of the Southeast Quarter; thence Northeast 397.44 feet Northeast 415.98 feet Southwesterly on South Line Railroad Right-of-Way to West line of the Southeast quarter of the Southeast Quarter; thence South to Point of Beginning, Section 15, Township 20 North, Range 13 East.

*Approved*  
*12-13-84*

*Adrian Smith*  
*Chairman*



Case No. 13391

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD, and RM Districts—Use Unit 1206—Request a variance of the 50' setback from the centerline of 25th Street to 37' and of the sideyard setback from 5' to 0', all to allow a carport in an RS-3 zoned district, located on the SW/c of 25th Street and Yale Avenue.

Presentation:

The applicant, Joe Gates, 4830 East 25th Street, informed that he is on the corner of a busy intersection and his cars and home have been vandalized on several occasions by passing motorists. He built the carport to protect his cars, and since it has been finished, he has had no further incidents of vandalism. He submitted a petition bearing the names of his neighbors who have no protest to this carport (Exhibit "K-1"). He has also spoken to Ms. Helen Jones, 4824 East 25th Street, (his next-door neighbor) and received her permission to build the carport next to her property line. He submitted pictures of the carport and described them to the Board (Exhibit "K-2"). Some of the pictures represent other carports in the area that are the same design as Mr. Gates' carport. A plot plan (Exhibit "K-3"), a subdivision plat (Exhibit "K-4") and a plat of survey (Exhibit "K-5") were submitted.

Protestants:

Harold Arndt, 4810 East 25th Street, informed the Board that Mr. Gates is a photographer who works from his home. Mr. Arndt stated that he has a carport in his own driveway which met all the standards of the Code, and feels that if Mr. Gates wants to build a carport, he should have to comply with the Code also. He informed that Mr. Gates has a three-car driveway that leads to a one-car garage which is closed up to house a photography business.

Carl Ramsey, 4811 East 25th Place, informed the Board that he represents all of the block that faces 25th Place. He has no objection to the carport being used to cover Mr. Gates' cars, but would like to take this opportunity to state his protest with the commercial enterprise being run from Mr. Gates' garage. He submitted an article from the Tulsa World indicating that Mr. Gates is a photographer and has a studio in the garage of his home (Exhibit "K-6"). Mr. Ramsey feels that the carport was built to cover Mr. Gates' customers who come in to do business there.

Comments and Questions:

Ms. Purser asked Mr. Gates how an open-sided carport could keep vandals from "egging" his cars. Mr. Gates explained that the angle of the roof has protected the cars, and that maybe having the structure there has intimidated them.

Ms. Purser asked Mr. Gates if he has a photography studio at the subject address. Mr. Gates informed the Board that he is a

Case No. 13391 (continued)

professional photographer and he stores his equipment in his garage, but he does not take pictures in his home. His customers come to his house to pick up their proofs and pictures. He does his photography "on location" in homes, parks, churches, etc.

Mr. Jackere asked the applicant if he has a sign on the property. Mr. Gates informed that he has a sign in his front yard with only his name on it. He stated that the sign (36" x 6") was inspected 2 1/2 years ago and the Inspector approved it.

Applicant's Rebuttal:

Mr. Gates informed the Board that he does not sell cars from his property, but he has allowed his girlfriend and one other friend to park their cars in his yard to sell them. He has never received a commission from the sales. He stated that his garage is used for all his storage, including his washer and dryer, and is not a photography studio.

Additional Comments:

Mr. Victor informed the protestants that the Board has advised Mr. Gates that he is in possible violation of the City Ordinances, and the only issue before this Board at this time is the carport.

Mr. Jackere suggested that the Board should determine if the need for the carport has been created by the use of his garage as a home occupation.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-1-0 (Chappelle, Purser, Smith, Victor, "aye"; Clugston, "nay"; no "abstentions") to **DENY** a Variance (Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Under the provisions of Use Unit 1206) of the 50' setback from the centerline of 25th Street to 37' and of the sideyard setback from 5' to 0' all to allow a carport in an RS-3 zoned district; finding that the literal enforcement of the terms of the Code would not result in unnecessary hardship to the applicant; and that the applicant failed to demonstrate a hardship; on the following described property:

Lot 1, Block 6, Ridgeview Second Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13392

Action Requested:

Use Variance/Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Units 1211/1214—Request a use variance to allow a veterinary hospital, and an exception to permit office uses in an RM-1 zoned district; and a

Special Exception—Section 630—Bulk and Area Requirements in the Office Districts—Use Unit 1211—Request an exception to increase



Case No. 13392 (continued)

the floor area ratio from 30 percent to 36 percent, located S. of SE/c of 75th Street and Memorial Drive.

Presentation:

The applicant, Dan Danner, 7833 East 71st Street, Tulsa, Oklahoma, submitted a booklet and described it to the Board. The front page is a performance schedule showing the growth of his business, which has prompted this request (Exhibit "L-1"). The chart showed 60-70 new clients a month. The second page is a map indicating that the subject property is a small corner of a larger piece of land currently under development (Exhibit "L-2"). Bob Latch, Jack Hitt, and George and Gayle Carnes are the developers. He was informed by the planning staff that a veterinary office is allowed by right in an OL zoned district (which abuts the subject property), but a veterinary hospital is not allowed. He indicated to the Board that the only difference in those two is that a hospital can board animals overnight. There are pictures included that indicate where the clinic will be in relation to the surrounding homes (Exhibit "L-3"). This is indicated by the red dots in the photographs. The fourth page is a plat of survey indicating the PSO facility and the three acres that has been zoned OL and is under development, as mentioned above (Exhibit "L-4"). The area to the south is AG and is planned to be sold as a principal interest only. The last page is a letter from Towry Company indicating that Dr. Danner has a well-run, quiet veterinary clinic in Centre 71 (Exhibit "L-5"). Ms. Towry informed that her personal home is at 75th, adjacent to the development, and she is in full support of the project. He informed that the need for a veterinary hospital is because he does not like to treat sick animals during the day and then send them home each night. It is better for them to be observed overnight sometimes.

Protestants: None

Comments and Questions:

Mr. Gardner informed that in 1970, the Staff was convinced that there is a difference between a veterinary office and a veterinary hospital. At one time, Use Unit 11 (Office Use Unit) permitted a veterinary office, but not a veterinary hospital. It did not work because the veterinarians needed both services. Therefore, the Code was amended to exclude veterinary office from Use Unit 11, and combine it with veterinary hospital in Use Unit 14, which is the Commercial Use Unit. When the Ordinance was amended, the alphabetical index was not amended, which has caused some confusion in determining which use unit veterinary hospitals fall under.

Mr. Gardner explained that this land has been approved in a PUD for Use Unit 11 only and a veterinary office is not permitted. The City and the TMAPC now have exclusive jurisdiction over this property. The property owner originally asked for Commercial zoning on the front of the PUD and was denied. He went back and asked for Use Unit 11, under the approved PUD.

Case No. 13392 (continued)

Interested Parties:

Mary Thedford, 6225 East 59th Place, informed the Board that she is the real estate agent working with the developers and she was under the impression that the veterinary use conforms to OL.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **DENY** a Use Variance (Section 410—Principal Uses Permitted in the Residential District—Under the provisions of Use Unit 1211) to allow a veterinary hospital; and a **Special Exception** (Section 410—Principal Uses Permitted in the Residential District—Under the provisions of Use Unit 1214) to permit office uses in an RM-1 zoned district; and 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 36 percent; finding that the land will not support the use, and the applicant cannot substantiate a hardship for the variance; on the following described property:

South 100' of West 315' of North 660.34' of NW/4 of SW/4 of Section 12, T-18-N, R-13-E, except the west portion for R-O-W, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. Danner requested permission to address the Board again, and informed them that he was misled by the Staff to believe that his request was within reason. It was not until today that he became aware that a veterinary office is not allowed in OL zoned districts. He stated that had he known this was the situation, he would not have brought this request before the Board. He requested either a continuance or a refund of all fees.

The Staff recommended that all fees be refunded.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **REFUND** all processing fees in the amount of \$200.00 for Case No. 13392.

Case No. 13393

Action Requested:

Variance—Section 1221.3(g)—Business Signs and Outdoor Advertising—Use Unit 1221—Request a variance of the 50' setback from the centerline of 51st Street to 35' and of the 60' setback from the centerline of 145th East Avenue to 35', both to accommodate 2 outdoor advertising signs in a CS zoned district, located on the NW/c of 51st Street and 145th East Avenue.

Case No. 13393 (continued)

Presentation:

The applicant, Malcom Outdoor Advertising, 8266 East 41st Street, was represented by Camden Coffman, 726 South Pine Place, Broken Arrow, Oklahoma, who informed that Malcom Outdoor Advertising is a licensed contractor with the City of Tulsa. He submitted a plot plan (Exhibit "M-1") which includes a drawing of the sign. He read from the Code that ground signs must set back from the centerline of the street 1/2 of the right-of-way width designated on the Major Street Plan. There is a hardship in the fact that prior to the property being incorporated, there was a 24.75' street easement, and 25' from the centerline of 51st Street there is a well developed hedgerow and a fenceline. On the east side of the tract on 145th East Avenue, there is a fenceline and hedgerow approximately 31' from the centerline. In June, the City granted Malcom Outdoor Advertising permits to erect two junior billboards (11' x 11') to be placed on each of these streets. In order to place the signs where the Code allows, they will have to remove an extensive amount of treeline. Pictures were submitted (Exhibit "M-2"). With the variances requested the amount of removal will be greatly reduced. He presented an architectural rendering to compare the size of the signs with the normal billboard size.

Protestants: None

Comments and Questions:

Mr. Gardner informed that the property has not been platted. When it is platted, that portion of the land must be dedicated to the City for right-of-way.

There was discussion about the area and the variances requested. Ms. Purser asked if the signs could be allowed until the land is platted and Mr. Jackere informed that could be included in the motion.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, "absent") to APPROVE a Variance (Section 1221.3(g)—Business Signs and Outdoor Advertising—Under the provisions of Use Unit 1221) of the 50' setback from the centerline of 51st Street to 35'; and of the 60' setback from the centerline of 145th East Avenue to 35', both to accommodate two outdoor signs in a CS zoned district; subject to a removal contract being filed; allowing the variance until such time that the subject tract is platted; finding that the fencerow and treeline create a hardship to the applicant; on the following described property:

The SE/4, SE/4, SE/4 of Section 28, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13394

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1217—Request an exception to allow automobile sales and repair in a CS zoned district; and a

Variance—Section 1217.3—Automotive and Allied Activities—Request a variance to permit open-air storage and display of merchandise within 300' of an R zoned district, located on the NW/c of Tecumseh and Harvard Avenue.

Presentation:

The applicant, David Holley, 1343 North Indianapolis, Tulsa, Oklahoma, informed the Board that he has lived in the area for 12 years. This use has existed on the subject property three times since 1951. Within two blocks there are two other auto repair shops that keep salvage, or sell cars. He has been using the property for two months. He stated that he has visited with the people in the area and did not find any who were dissatisfied with the use.

Comments and Questions:

Mr. Clugston asked the applicant what the land use was prior to the existing use. Mr. Holley informed him that the land was used to store trucks.

Ms. Purser asked Mr. Holley if he could continue his business without the automobile sales. He replied that he has already made plans to sell cars from the property. Mr. Victor interjected that the Board has determined in the past that the hardship for this type of variance (300' setback) would be the granting of the special exception to sell cars.

Mr. Victor asked Mr. Holley how many cars he would have parked on the lot at one time. He stated that he will keep no more than six or seven at a time. These will be for sale and he does not intend to keep them for salvage. He informed the Board that he buys cars at auctions and repairs them to sell. He usually has four to five cars a week in for repairs, but they are parked on the back of the property, or inside the garage.

Protestants:

Sharona Hatfield, 3317 East Ute, Tulsa, Oklahoma, submitted pictures of the subject tract (Exhibit "N-1") and a petition of protest signed by 17 adjacent residents (Exhibit "N-2"). She explained that the residents who live directly across Harvard Avenue are elderly residents and are disturbed by the noise created in the automobile shop during all hours of the day and night. She stated that approximately 20 percent of the subject tract is paved and the rest is an open field. Also, she informed the Board that there is someone living on the subject property, although she is not sure who it is. The Health Department came and asked the residents to move because the property is zoned CS. The area residents are worried about the affect this use will have on their property values. The property and the buildings are in bad repair.

Case No. 13394 (continued)

Charles Andrews, 3303 East Ute, Tulsa, Oklahoma, informed that he is in protest of the use.

Other protestants who were present are: R. W. Cochran, 3313 East Ute; Mrs. R. W. Cochran, 3313 East Ute; Fern Williams, 1861 North Harvard; Robert A. Williams, 1861 North Harvard; Claude Davis, 1930 North Harvard; David Stratton, 1855 North Harvard; and Lorene Stratton, 1855 North Harvard.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, "absent") to DENY a Special Exception (Section 710—Principal Uses Permitted in the Commercial Districts—Under the provisions of Use Unit 1217) to allow automobile sales and repair in a CS zoned district; and a Variance (Section 1217.3—Automotive and Allied Activities) to permit open air storage and display of merchandise within 300' of an R district; finding that the variance is not necessary without the special exception; on the following described property:

The west 166.66' of east 216.66' of north 261.21' of south 311.21' of north 883.21' of NE/4, SE/4 of Section 29, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13396

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1217—Request an exception to permit mini-storage in a CS zoned district; and a

Variance—Section 1217.3—Automotive and Allied Activities—Request a variance to permit open-air storage within 300' of an R district, located on the NW/c of 11th Street and 127th East Avenue.

Presentation:

The applicant, George Goswick, 1040 South 127th East Avenue, Tulsa, Oklahoma, 74128, was present and requested that this case be continued until December 13, 1984.

Protestants: None

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to CONTINUE Case No. 13396 until December 13, 1984, at the applicant's request.

Case No. 13397

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 RS-3 zoned district; and a

Variance—Section 440.6—Special Exception Uses in Residential Districts—Requirements—Request a variance to allow a mobile home to be located permanently in lieu of the one-year time period, located on the NE/c of Archer Place and 25th West Avenue.

Presentation:

The applicant, Leonard Johnston, 103 North 25th West Avenue, Tulsa, Oklahoma, 74127, informed the Board that his house has burned at the present location and he requested that he be allowed to place a mobile home there. There are other mobile homes in the area. He stated that there is a mobile home park across 25th West Avenue. In response to a question by the Board, Mr. Johnston informed the Board that Archer Place is a grass road and not a paved street. He submitted pictures and described them (Exhibit "O-1").

Protestants: None

Comments and Questions:

Mr. Gardner informed that the applicant intends to remove the house if his application is approved. There will only be one dwelling on the lot.

Mr. Victor asked if the mobile home will be anchored and skirted. Mr. Johnston informed that he will have the mobile home anchored and skirted.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, "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 RS-3 zoned district; and a Variance (Section 440.6—Special Exception Uses in Residential Districts—Requirements) to allow a mobile home permanently; finding that the variance granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; subject to the mobile home being anchored and skirted; and subject to the existing home (burned) being removed before the mobile home is installed; on the following described property:

Lot 12, Block 4, New Irving Place 2nd Addition to the City of Tulsa, Tulsa County, Oklahoma.

11.29.84:427(28)

**Case No. 13399**

**Action Requested:**

Variance--Section 730--Bulk and Area Requirements in the Commercial District--Use Unit 1212--Request a variance of the required 150' frontage to 135' to permit a lot split in a CS zoned district, located W. of SW/c of 51st Street and Memorial.

**Presentation:**

The applicant, DLN Realty of Oklahoma, Inc., was not represented. Mike Taylor of Sisemore-Sack-Sisemore & Assoc., Inc., 5359 South Sheridan, Tulsa, Oklahoma, requested by letter (Exhibit "P-1") that this case be continued until December 13, 1984.

**Protestants:** None

**Board Action:**

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to CONTINUE Case No. 13399 until December 13, 1984, at the applicant's request.

**OTHER BUSINESS:**

**Case No. 13385**

**Action Requested:**

Clarification of Case No. 13385 approved by the Board on November 15, 1984.

**Presentation:**

Paula Hubbard explained that on November 15, 1984 the Board approved the application for Case No. 13385 for a variance of the percentage of lot coverage. This variance was reflected on the plot plan presented, however, the case report did not include it. It was not included in the Minutes of November 15, 1984. Ms. Hubbard explained that the Minutes must reflect the approved action in order for her to release the Building Permit.

**Board Action:**

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, "absent") to AMEND the Minutes of November 15, 1984 to also include the approval of the Variance (Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts) of the percentage of lot coverage, on Case No. 13385.

**Case No. 13206**

**Action Requested:**

Consideration of substitute plot plan for Case No. 13206.

**Presentation:**

Attorney, Lloyd Markind, 525 South Main, Tulsa, Oklahoma, represented Mr. and Mrs. Frank Letcher in their request to the Board

Case No. 13206 (continued)

to consider a substitute plot plan for Case No. 13206, approved on June 28, 1984. He presented a copy of the original plot plan submitted (Exhibit "R-2"—6.28.84), as well as the substitute plot plan (Exhibit "Q-1") and a plat of survey (Exhibit "Q-2"). He informed the Board that at the time of the June 28, 1984 meeting, the final plans were incomplete. These drawings submitted today represent the final project. The neighbors were notified so that they may have opportunity to protest, if so desired, and none responded. He presented a letter from Thomas and Mary Beck (the abutting property owners affected by the change) stating that they approve of the new plans.

Protestants: None

Comments and Questions:

Mr. Gardner informed the Board that Mr. Markind was advised that his clients need to notify the abutting property owners of the change in plans, since they were satisfied with the earlier plan. In the plan approved on June 28, 1984, only one corner of the addition encroached the setback, and now there will be a whole wall there.

There was discussion about the changes in the setbacks.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Purser, Victor, "aye"; no "nays"; no "abstentions"; Smith, "absent") to APPROVE the substitute plans (Exhibits "P-1" and "P-2") for Case No. 13206.

There being no further business, the meeting was adjourned at 6:30 p.m.

Date Approved 1-10-85

 - Acting  
Chairman

11.29.84:427 (30)