

**CITY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 430**  
**Thursday, January 10, 1984, 1:00 p.m.**  
**City Commission Room, Plaza Level**  
**Tulsa Civic Center**

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 9, 1985, at 8:47 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Smith called the meeting to order at 1:04 p.m.

**MINUTES:**

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE the Minutes of November 29, 1984, December 13, 1984, and December 27, 1984.

**UNFINISHED BUSINESS:**

**Case No. 13330**

**Action Requested:**

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

**Presentation:**

The applicant, D. J. Hatz, 3112 North 74th East Avenue, Tulsa, Oklahoma, 74115, was not present.

**Protestants:** None

**Comments and Questions:**

Mr. Jones explained that the case has been continued four times, and after the applicant did not appear at the December 13, 1984 meeting, the Staff tried unsuccessfully to reach him. The Staff suggested that the case could be denied and the applicant can reapply if he is still interested in pursuing the matter further.

Case No. 13330 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to DENY WITHOUT PREJUDICE a Special Exception (Section 910—Principal Uses Permitted in the Industrial Districts—Use Unit 1219) to allow a military crew quarters (motel) in an IL zoned district; on the following described property:

I.B.A. LEASE

A tract or parcel of land on Tulsa International Airport, located in Section 23, Township 20 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows:

Starting at the Northwest Corner of Section 23, Township 20 North, Range 13 East, thence East a distance of 2629.78 feet; thence South a distance of 2014.85 feet to the point of beginning, thence S. 52°37'34" E., a distance of 20.00 feet; thence N. 37°22'26" E., a distance of 345.00 feet; thence S. 52°37'34" E., a distance of 91.33 feet; thence S. 03°04'28" W., a distance of 266.00 feet; thence S. 31°57'26" E., a distance of 201.47 feet; thence S. 58°02'34" W., a distance of 141.24 feet; thence S. 03°04'28" W., a distance of 91.14 feet; thence N. 86°55'32" W., a distance of 360.00 feet; thence N. 03°04'28" E., a distance of 273.00 feet; thence N. 37°22'26" E., a distance of 130.63 feet, to the point of beginning, containing 4.40 acres, more or less.

EASEMENT DESCRIPTION

A tract or parcel of land on Tulsa International Airport, located in Section 23, Township 20 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows:

Starting at the Northwest Corner of Section 23, Township 20 North, Range 13 East, thence East a distance of 2550.49 feet, thence South a distance of 2118.66 feet to the point of beginning, thence S. 03°04'28" W., a distance of 194.37 feet; thence N. 31°57'26" W., a distance of 117.07 feet; thence N. 37°22'26" E., a distance of 119.25 feet, to the point of beginning, containing 0.15 acres, more or less.

Case No. 13273

Action Requested:

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

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

Case No. 13273 (continued)

Presentation:

The applicant, Royal Cleaners, Inc., was not represented; but owner and President, Frank Lucenta, P. O. Box 35949, Tulsa, Oklahoma, 74135, submitted a letter to the Staff earlier requesting that the case be continued until February 7, 1985 (Exhibit "A-1").

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13273 until February 7, 1985.

Case No. 13343

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1210/11—Request an exception to permit an office expansion and off-street parking in an RM-2 zoned district, located N. of NE/c of 14th Place and Denver.

Presentation:

The applicant, Larry Harrell, 1717 East 15th Street, Tulsa, Oklahoma, 74104, was not present.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to CONTINUE Case No. 13343 until January 27, 1985.

Case No. 13402

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1215—Request a variance of the 100' setback from the centerline of a secondary arterial to 90' to permit Wendy's to add solariums onto two drive-in restaurants in CS zoned districts, located at 6148 East 51st Street and 1744 South Garnett.

Presentation:

The applicant, Wendy's International, was represented by Harry Wallace, 2973 East 77th Street South, Tulsa, Oklahoma, informed that he is present to answer any questions the Board might have.

Protestants: None

Case No. 13402 (continued)

Comments and Questions:

The Staff reminded the Board that the case was heard on December 13, 1984 and was continued to allow the Board a chance to visit the site.

Mr. Victor explained that the existing buildings are in line with the other buildings in the area, and there is no basis for a hardship.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to DENY a **Variance** (Section 730—Bulk and Area Requirements in the Commercial districts—Under the provisions of Use Unit 1215) of the 10' setback from the centerline of a secondary arterial to 90' to permit Wendy's to add solariums onto two drive-in restaurants in CS zoned districts; finding that the applicant failed to demonstrate a hardship; on the following described properties:

Lot 4, Block 1, Gatewood Center, City of Tulsa, Tulsa County, Oklahoma.

and

The South 200' of Lot 2, Block 1, Wendy Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13408

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1205—Request an exception for church, school, and related uses and purposes (construction of a church sanctuary) in an RS-3 zoned district; and a

Variance—Section 1340(d)—Design Standards for Off-Street Parking Areas—Request a variance of the required all-weather material for off-street parking areas, located on the NW/c of Quincy Place and 49th Place.

Presentation:

The applicant, Church of St. Mary, Roman Catholic Diocese of Tulsa (Beltran, Bishop), was represented by Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma, 74103. Mr. Norman explained that St Mary's Church is requesting a special exception to add additional property in an RS-3 zoned district to property now being used for a church and school, with the additional property to also be used for a church and school with uses and purposes customarily related thereto. He also informed that they propose to construct a new church sanctuary pursuant to the site plan submitted (Exhibit "B-1"), upon property previously approved by this Board, and presently being used for church and school purposes. He submitted

Case No. 13408 (continued)

eleven pictures of the present facilities (Exhibit "B-1") and explained to the Board that St. Mary's is not requesting the variance of the off-street parking requirements. He informed that they are requesting a waiver of the requirement that off-street parking be paved with an all-weather surface in light of the unique factor that the field they propose to use is also a playing field for the school's athletic program. He informed that the proposal is to absorb the loss of required off-street parking (from 296 to 210) by permitting 85 parking spaces on the playing field (which has a capacity for 340 parking spaces). The existing playing field has been used successfully for overflow parking for many years. He informed that they feel the sod is a satisfactory substitute to the all-weather surfacing required. They face a hardship in the fact that it is necessary that the additional space not be paved, so the school can continue to utilize the area as a playing field. He explained that if the "sanctuary" was considered an "arena," they would only be required to provide 200 off-street parking spaces. He feels that this is an inconsistency in the Code, since the same number of persons filling an arena would require less parking than those in a church sanctuary, under the existing Code. This factor imposes a hardship on his client.

Protestants: None

Comments and Questions:

Mr. Norman explained to Mr. Clugston that his clients feel the hard surfaced parking will be more than adequate for their regular services (four masses each Sunday), and the additional spaces will be utilized only during special events.

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 410—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1205) for church, school and related uses and purposes (construction of a church sanctuary) in an RS-3 zoned district; and a **Variance** (Section 1340(d)—Design Standards for Off-Street Parking Areas) of the required all-weather material for off-street parking areas; per plot plan submitted; finding that the applicant demonstrated a hardship caused by the dual use of the land for parking and play area, finding that sod can be deemed a suitable substitute in this instance, and finding that the variance requested is only on the surfacing requirements, not on the required number of off-street parking; and 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; on the following described property:

A part of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4), Section Thirty (30), Township Nineteen North (19 N.), Range Thirteen East (13 E.): Beginning at a point on the North

**Case No. 13408 (continued)**

Line of said SW/4 of SW/4, 495' due East from the centerline of South Peoria; thence due East on the North line of said SW/4 of SW/4, 490' to a point; thence due South 443.88'; thence due West 490'; thence due North 443.88' to the point and place of beginning containing five acres more or less.

AND

A tract of land situated in Tulsa County, State of Oklahoma, to-wit: All that part of Lot 3, Section 30, Township 19 North, Range 13 East, more particularly described as follows, to-wit: Commencing at a point 50 feet East of the West boundary line and 25 feet South of the North boundary line of the South Half of said Lot 3; thence South along a line parallel to and 50 feet East of the West boundary of the South Half of said Lot, a distance of 216.55 feet to a point 420 feet North of the South boundary line of said Lot 3; thence East along the North boundary line of Southern Center Addition to the City of Tulsa a distance of 435 feet to the Northeast corner of said Southern Center Addition to the City of Tulsa; thence South along the East boundary line of said Southern Center Addition a distance of 294 feet to the True Point of Beginning; thence continuing South along the East boundary line of said Southern Center Addition to Tulsa a distance of 126 feet to a point in the South boundary line of said Lot 3; thence East along the South boundary line of said Lot 3 a distance of 285 feet; thence North a distance of 126 feet; thence South 89°59'13" West a distance of 285 feet to the Point of Beginning.

**Case No. 13410**

**Action Requested:**

Special Exception--Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1205--Request an exception to allow a parking garage for an existing church in an RD zoned district, located at 7100 East 31st Street.

**Presentation:**

The applicant, Woodlake Assembly of God Church, 7100 East 31st Street, Tulsa, Oklahoma, submitted a letter requesting a continuance until February 7, 1985.

**Protestants:**

There were protestants present who indicated they had been notified of the continuance request and had no objection to a continuance.

**Board Action:**

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13410 until February 7, 1985.

**Case No. 13418**

**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 W. 49th Street to 48.5' to permit construction of a carport in an RS-3 zoned district, located at 1115 W. 49th Street.

**Presentation:**

The applicant, O. L. Jenkins, 1115 West 49th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit "D-1") and explained to the Board that he is proposing to build a carport in front of his garage.

**Interested Parties:**

Mrs O. L. Jenkins, 1115 West 49th Street, Tulsa, Oklahoma, explained that they want to use the carport on the west side of the house to provide a cover from the weather when they are getting in and out of the car. They park the car in the garage to the side of the house.

**Protestants:**     None

**Comments and Questions:**

Mr. Gardner explained that this is a minor variance request. The Code requires a 50' setback from the centerline of 49th St. at this location, and the carport extends only 1 1/2' into that setback.

**Board Action:**

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Smith, Victor, "aye"; Clugston, "nay"; 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 50' setback from the centerline of West 49th Street to 48.5' to permit construction of a carport in an RS-3 zoned district; finding a hardship in the fact that the variance is minor and will be not be easily discerned; 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:

Block 8, Suburban Heights, more particularly described as:  
Begin 491.12' East of SW/c, thence North 180.5'; thence West 85'; thence South 180.5'; thence East 85' to P.O.B., City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13412**

**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'

1.10.85:430(7)

Case No. 13412 (continued)

setback from the centerline of Ute to 45' and of the sideyard setback from 5' to .5', all to permit an existing carport in an RS-3 zoned district, located E. of NE/c of Harvard and Ute.

Presentation:

The applicant, R. W. Cochran, 3313 East Ute, Tulsa, Oklahoma, explained that the carport has been in existence for three years. He informed the Board that one of his neighbors is an employee of the Building Inspector's office, and that person led him to believe that the carport was acceptable when it was built. He submitted a plot plan (Exhibit "E-1") and pictures of other carports in the area (Exhibit "E-2"). He explained that he is before this Board as the result of a personal grudge, which led someone to report the violation. He does not want to be in violation of the law and requested that the Board approve this variance. He submitted a petition from surrounding property owners in support of approval (Exhibit "E-3").

Protestants: None

Comments and Questions:

Mr. Smith explained that it does not matter who turned in the violation.

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 50' setback from the centerline of Ute to 45' and of the sideyard setback from 5' to .5', all to permit an existing carport in an RS-3 zoned district; finding that the pictures and petition submitted demonstrate 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; per plot plan submitted; on the following described property:

Lot 8, Block 14, Louisville Heights, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13413

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1314—Request a variance of the 150' frontage requirement to 110' to permit a lot split in a CS zoned district, located on the NW/c of 36th Street North and Atlanta Avenue.

Presentation:

The applicant, John D. Harris, 4417 South Lewis, Tulsa, Oklahoma, explained that the subject property is a corner lot. He explained



Case No. 13413 (continued)

that the property has been used for approximately 35 years as commercial property. It has been a beauty shop for 2 years. The lot split is to permit the lessee to secure financing to purchase the property. He described the available parking. The building on the location will continue to be used as a beauty shop. He informed that they have made a dedication to conform with 36th Street North from Atlanta Avenue to Lewis Avenue.

Protestants: None

Comments and Questions:

Mr. Gardner informed that the TMAPC approved the lot split, subject to Board of Adjustment approval.

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 730—Bulk and Area Requirements in the Commercial Districts—Under the provisions of Use Unit 1314) of the 150' frontage requirement to 110' to permit a lot split (L-16323) in a CS zoned district; finding that the variance granted will not cause substantial detriment to the public good or impair the purposes, spirit, or intent of the Code, or the Comprehensive Plan; on the following described property:

Begin 50' east of the SW/c of Section 17, T-20-N, R-13-E, thence north 351', east 100', north 175', east 100'; north 300', east 410', south 825', west 110', north 180', west 250', south 30', west 100', south 150', west 150', to P.O.B., City of Tulsa, Tulsa County, Oklahoma.

Case No. 13414

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 69th East Avenue to 43' to permit a carport in an RS-3 zoned district, located at 6904 East 9th Street.

Presentation:

The applicant, John Cannon, was represented by Mrs. John Cannon, 6904 East 9th Street, Tulsa, Oklahoma, explained that they want to build a carport to cover them from the elements when getting in and out of their car in the winter. She informed that their application for a building permit was denied. She submitted two pictures of the house and explained that the carport will be on the west side of the house (Exhibit "F-1"). The subject property is a corner lot. A plot plan was submitted (Exhibit "F-2").

Protestants: None

Case No. 13414 (continued)

Comments and Questions:

Mr. Jackere informed that the term "setback" does not apply to residential property. He noted that residential property has a "required yard" instead of "setbacks." In this situation, the applicant is asking for a variance to allow the carport to encroach 7' into the required sideyard.

Mr. Gardner informed that the house may be situated on a collector street. The existing right-of-way will be 35', and 20' of that is still unpaved. He informed that there is approximately 20' between her house and the curb. He mentioned that another factor to consider is that the carport will be in the side yard, as opposed to the front yard, and although the yard requirements are the same, the effect is less offensive to the neighborhood. If a carport is behind the building line in the side or rear yard, a variance is not required.

Mr. Smith asked if the carport will be closed in. Mrs. Cannon informed that they are planning to leave it open.

There was more discussion about the location of the house on the lot and which frontage the house has.

Mr. Jackere suggested that the Staff might visit the site and determine how much yard is required in the front and side yards at this location.

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 CONTINUE Case No. 13414 until January 24, 1985 to allow the Staff and the Board time to visit the site.

Case No. 13415

Action Requested:

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

Variance—Section 440.6—Special Exception Uses in Residential Districts, Requirements—Request a variance of the 1-year time limitation for a mobile home to permanently, located at 4605 South 31st West Avenue.

Presentation:

The applicant, Dorris Byrd, 4605 South 31st West Avenue, submitted three pictures and explained to the Board her reasons for this request (Exhibit "G-1"). She was raised in Tulsa and moved away when she was married. Her mother is 90 years old and lives in the white house shown in the pictures (Exhibit "G-1"). Ms. Byrd

Case No. 13415 (continued)

informed that she needs to be near her mother so she can care for her. She also informed that she would like for her five-year old daughter to attend the same schools she went to. Her husband has found a job in Tulsa and they want to stay here permanently. There are other mobile homes in the area, but there are none on the block the subject tract is in. Her father built the house her mother lives in and she has received permission from the remaining family members to put her mobile home on the family's land.

Protestants: None

Comments and Questions:

Mr. Gardner informed that the Staff is in the process of reviewing the Zoning Code in relation to manufactured housing, and from the pictures submitted, the materials in this mobile home look very similiar to conventional homes. The mobile home has a pitched roof and is a frame house, like the one next door. These are factors the Board might consider.

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 permit a mobile home in an RS-3 zoned district; and a Variance (Section 440.6—Special Exception Uses in Residential Districts, Requirements) of the one-year time limitation for a mobile home to five years, subject to review; finding that the mobile home appears to conform to the neighborhood; 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 3 and 4, Block 9, Carbondale Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13416

Action Requested:

Variance—Section 240.2—Permitted Yard Obstructions—Use Unit 1206—Request a variance to allow a detached accessory building to be located in a front yard in an RS-3 zoned district, located 4743 East 6th Street.

Presentation:

The applicant, Linda Waller, 4743 East 6th Street, Tulsa, Oklahoma, submitted a picture of her home (Exhibit "H-1") and explained to the Board that there had been two accessory buildings on the property, but that the smaller one has been removed. She submitted a plot plan (Exhibit "H-2") and informed the Board that her house is on the back of a 50' x 156' lot. They do not have a garage, nor do they

Case No. 13416 (continued)

have a backyard. She stated that they are aware that this accessory building is in violation of the City Ordinance, but they cannot afford to buy a new house. The accessory building is used to store their tools and lawn equipment. She requested that they be allowed to keep the building on the basis of these hardships.

Protestants: None

Interested Parties:

A letter of support was submitted by Ms. Bonnie Staudacher, 4740 East 5th Place, Tulsa, Oklahoma (Exhibit "H-3").

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—Permitted Yard Obstructions—Under the provisions of Use Unit 1206) to allow a detached accessory building to be located in a front yard in an RS-3 zoned district; finding that the existing building location creates an exceptional condition, and the literal enforcement of the terms of the Code would result in unnecessary hardship to the applicant; on the following described property:

Lot 24, Block 5, Kendall View Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13417

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1210—Request a variance of the required setback from an abutting R district to permit a two-story enclosed parking garage to be built across a zoning line in a CS and RS-3 zoned district; and a

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Request a variance of the 50' setback from the centerline of Braden to 25' to permit construction of a structure; and a

Special Exception—Section 250.3(d)—Modification of the Screening Wall or Fence Requirements—Request an exception to waive the screening requirements, all located at 4747 South Yale Avenue.

Presentation:

The applicant, Dean Bailey Oldsmobile Company, 4747 South Yale Avenue, Tulsa, Oklahoma, was represented by Lewis Levy, 5200 South Yale, Tulsa, Oklahoma. Mr. Levy submitted a packet of information to the Board including the following exhibits: a plot plan (Exhibit "I-1"); and pictures of the surrounding area (Exhibit "I-2"). He described a brief history of the property, including an agreement made with the Stevenson Homeowners Association, in 1971, which

Case No. 13417 (continued)

allowed the subject property to be used for off-street parking and storage of automobiles. In order to build the two-story "storage" facility, Mr. Levy's clients need a variance of a setback requirement and a waiver of two required screening fences. The property is included in a 65' buffer strip used to insure that nothing other than single-family homes could be built there, as long as there were single-family homes across Braden Street. Those single-family homes are now gone. The proposed facility will require that the two accesses on Braden Street be eliminated, unless they are required by the Fire Marshal. Mr. Levy explained that the garage will be one foot from the property line.

Protestants: None

Additional Comments:

Casper Jones, 1302 South Fulton, Tulsa, Oklahoma, informed that he acquired all the names of the property owners within 300' of the subject property and submitted them to the Staff for notices.

Comments and Questions:

Mr. Gardner suggested that any motion restrict the applicant to the specific landscaping and colors submitted. He also stated that the height should be limited to 12' or less.

Mr. Clugston asked Mr. Levy to define his applicant's hardship. He explained that his clients are currently using the property as commercial property while being restricted to the rules and regulations governing residential districts. CH zoning has no setback requirement. Mr. Levy reminded the Board again that the original subdivision covenants have changed.

There was discussion about the zoning of the property in relation to the other uses in the area. Mr. Gardner informed that the multiple zoning situation is unique.

Mr. Clugston explained that in his opinion there are no other buildings along this stretch which encroach the setback and create a basis for a hardship for Mr. Levy's client. Mr. Levy informed that they are not the first ones in the area to build up to the property line. He referred to the pictures submitted (Exhibit "I-2").

There was discussion about the trees. Mr. Clugston was interested in the sizes of the trees. Mr. Levy explained that there are approximately 36 trees on the property which are not yet fully grown.

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 CONTINUE Case No. 13417 until January 24, 1985.

Case No. 13419

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1208—Request an exception to allow a boarding house for elderly women in a CS zoned district, located at 6130 Charles Page Boulevard.

Presentation:

The applicant, Virginia Moore, 6144 Charles Page Boulevard, Tulsa, Oklahoma, informed the Board that she wishes to use the subject property as a boarding house for elderly women. She informed that someone needs to take care of the elderly and this is what she intends to do. There is a large brick home in existence on the subject property.

Protestants: None

Comments and Questions:

Mr. Gardner informed that a boarding house is not allowed in a CS zoned district by right, and that is why she is before the Board. If the subject property was in the apartment zoning behind the subject property, she could have a boarding house by right.

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 1208) to allow a boarding house for elderly women in a CS zoned district; subject to the State of Oklahoma licensing requirements; on the following described property:

Lot 9, Block 2, Lawnwood Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13420

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Use Unit 1215—Request an exception to permit an office warehouse in a CS zoned district; and a

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Request a variance of the 110' setback from the centerline of Yale to 100' to permit a new building to align with existing buildings to the north, located on the NW/c of Young Court and Yale Avenue.

Case No. 13420 (continued)

Presentation:

The applicant, William R. Pitcock, 2626 South Sheridan Road, Suite 400, Tulsa, Oklahoma, 74129, was represented by Casper Jones, 1302 South Fulton, Tulsa, Oklahoma. Mr. Jones submitted a plot plan (Exhibit "J-1") and explained that the Board recently approved a variance of the same nature for the restaurant on the adjacent property to the north of the subject property. That building encroaches the setback more than the applicant's proposed building will.

Protestants: None

Comments and Questions:

There was discussion about the encroachment to the north. Mr. Jackere informed that if the restaurant is still on the subject property, this variance is not necessary. He suggested that the Board take action on the application, in case the building is no longer in existence.

Mr. Gardner explained that the special exception required the applicant to come before this Board. If there is a building encroaching the setback to the north of the subject property, that can be demonstrated as a hardship for the variance requested. The Board has jurisdiction over the special exception with or without the variance request.

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 1215) to permit an office warehouse in a CS zoned district; and a Variance (Section 730—Bulk and Area Requirements in the Commercial Districts) of the 110' setback from the centerline of Yale Avenue to 100' to permit a new building to align with the existing building to the north; subject to the variance being no less than 100'; and subject to no outside storage; per plot plan submitted; on the following described property:

The south 103' of the east 120', Block 1, Smithdale Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13421

Action Requested:

Variance—Section 1420—Nonconforming Use of Buildings or Buildings and Land in Combination—Use Unit 1223—Request a variance to enlarge a nonconforming use (used auto parts sales and warehouse) in an RS-3 zoned district, located at 2039 North Yale Avenue.

Presentation:

The applicant, Sandy Beard, 2039 North Yale, Tulsa, Oklahoma, informed that the wrecking yard has been in operation since 1947.

Case No. 13421 (continued)

She has bought a \$27,000.00 building to put on the subject property and could not get a Building Permit because the property is zoned residential. She informed the Board that she did not know the lot was not zoned for industrial use. She owns the lot adjacent to the subject property and it is zoned IM. She presented a plot plan and described it to the Board. Her operation is C and H Auto Salvage, which belongs to Sandy Beard Auto Parts.

Protestants: None

Comments and Questions:

There was discussion about the property. Ms. Beard explained that she does not want to use the adjoining IM zoned property for the building because it will cost her an additional \$12,000.00 to find bedrock. That IM property is located over a landfill (formerly a coal mine). The subject property has a bedrock foundation.

Mr. Victor asked Mr. Jackere if there is a need for a tie-contract. Mr. Jackere informed that there would be nothing to prevent the applicant from selling the residentially zoned property, even if the building is approved. However, there may not be a need for a tie contract.

Mr. Gardner suggested that there is not a need for the tie contract. The subject property is planned for industry by the Comprehensive Plan, and the area is in transition.

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 1420—Nonconforming Use of Buildings or Buildings and Land in Combination—Under the provisions of Use Unit 1223) to enlarge a nonconforming use (used auto parts sales and warehouse) in an RS-3 zoned district; finding that the use is compatible with the surrounding uses; 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:

The west 330 feet of Lot 13, Block 1, S. R. Lewis Addition to Dawson, now an Addition to the City of Tulsa, AND a part of Lot 13, Block 1, said S. R. Lewis Addition being more particularly described as follows to-wit: Beginning at a point 525 feet West of the NE/c of Lot 13, thence West 100 feet, thence South 172.5 feet, thence East 100 feet, thence North 172.5 feet to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.



**Case No. 13422**

**Action Requested:**

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Request a variance of the rear yard setback from 20' to 6' to allow an addition to an existing structure in an RS-3 zoned district, located at 4103 South Detroit.

**Presentation:**

The applicant, Darrell Wilson, 4103 South Detroit, Tulsa, Oklahoma, explained that he and his wife are the owners of Jack and Jill Preschool, which exists on the subject property. They are proposing an expansion to the existing facility of approximately 1700 square feet. He submitted a plot plan of the existing facility (Exhibit "K-1") and a plot plan of the proposed addition (Exhibit "K-2"). He explained that the addition will cover the existing swimming pool, which will be converted into a basement to be used for storage. He stated that they are proposing to build within six feet of the East property line and within 8 1/2 feet of the South property line. This proposed addition is to accommodate increased licensure for child day care and preschool services. The present capacity is 34 and the increased licensure will be for 50 children. He explained that the pool is a hazard in its present state, and is a nuisance to the facility.

**Comments and Questions:**

Mr. Smith asked Mr. Wilson if this proposal leaves a sufficient play area. Mr. Wilson described the play area and explained that it meets the State's standards for licensure of 50 children.

Mr. Jackere asked how large the basement will be and Mr. Wilson informed that the swimming pool is approximately 15' x 38'.

Mr. Clugston asked why covering the swimming pool is a necessity. Mr. Wilson explained that the swimming pool is a hazard and they are trying to make the best use of the wasted space. Mr. Clugston suggested that there are other ways to eliminate a swimming pool, such as filling.

**Protestants:**

W. A. Wiedman, 4110 South Detroit, Tulsa, Oklahoma, is the adjacent property owner and resident to the west of the subject tract, and the owner of a consulting company that deals with land use planning and community involvement. He stated that a commercial business in the middle of a residential area is incompatible. He understands that the particular use is allowed by right, but feels that it has interfered with and caused adjustments to his lifestyle, including his children and pets. This day care center generates 60 to 70 cars a day in a residential area, and an increased licensure would only increase the problem. He stated that the Jack and Jill Preschool was in violation of the required off-street parking and the neighborhood pursued the issue, causing them to provide adequate parking. Mr. Wiedman had his home appraised by a real estate broker and was told that his home would be valued comparable to prices for 1983 and 1984, but there would be a discount factor since there is a

Case No. 13422 (continued)

day care facility across the street. He feels that any addition to the present facility could only create a further devaluation to the residential property around the subject property.

Merle Hoffman, 4115 South Detroit, Tulsa, Oklahoma, informed that his residence abutts the subject property on the south and he is in protest of the 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 DENY a Variance (Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts) of the rear yard setback from 20' to 6' to allow an addition to an existing structure in an RS-3 zoned district; finding that any expansion of the facility will cause substantial detriment to the public good and is not in the spirit and intent of the Code, or the Comprehensive Plan; on the following described property:

Lot 1, Block 1, less east 70', Demorest Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13423

Action Requested:

Special Exception—Section 310—Principal Uses Permitted in the Agricultural District—Use Unit 1205—Request an exception to allow a church in an AG zoned district, located 1/2 mile East of SE/c of Yale and 101st Street.

Presentation:

The applicant, Southern Hills Church of Christ, 2706 East 51st Street, Tulsa, Oklahoma, was not represented.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to CONTINUE Case No. 13423 until January 24, 1985.

Case No. 13424

Action Requested:

Special Exception—Section 910—Principal Uses Permitted in the Industrial District—Request an exception to allow Use Units 12, 13, and 14 in an IL zoned district, located on the SW/c of 55th Place and Garnett.

Presentation:

The applicant, J.T.R., Inc., 5800 Skelly Drive, Suite 600, Tulsa, Oklahoma, was represented by Jack Hamilton, 6810 East 60th Street.

Case No. 13424 (continued)

He explained that they are requesting use of the subject property as a strip center with retail uses. The subject property is vacant now, and the area surrounding it is retail oriented. J.T.R. proposes a convenience store on the corner of the property and other uses may include a tire store. Mr. Hamilton explained that they intend to conform to the uses in the area. He submitted a plot plan (Exhibit "L-1") and a perspective drawing (Exhibit "L-2") of the proposed center.

Protestants: None

Comments and Questions:

Mr. Gardner suggested that the applicant specify which uses under Use Unit 12 they intend to use. He informed that the Code has been amended to include some of the Use Unit 19 uses (e.g. bars, taverns, theatres, etc.) within Use Unit 12.

Mr. Victor read the uses listed under the former Use Unit 12 and asked Mr. Hamilton if he would be satisfied with approval limited to restaurant use. Mr. Hamilton pointed out that they do not plan to have a nightclub or a theatre, but asked if a small bar would be a problem with the Board. He informed that similiar strip centers in the area include small bars.

In answer to a question by the Board, Mr. Hamilton informed that they intend to meet the requirements of the Code in regard to off-street parking.

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 910—Principal Uses Permitted in the Industrial Districts) to allow Use Units 12, 13 and 14 in an IL zoned district; subject to Use Unit 12 being approved for eating establishments such as cafeterias, coffee shops, delicatessens, or restaurants only (excluding bars as principal uses); per plot plan submitted; on the following described property:

Lots 1 and 2, Block E, Southeast Industrial District Extended,  
an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13425

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 East 33rd Place to 39' for an existing dwelling in an RS-3 zoned district, located at 3010 South 150th East Avenue.

Case No. 13425 (continued)

Presentation:

The applicant, C. R. Burke, 3301 South 150th East Avenue, Tulsa, Oklahoma, was represented by Phillip K. Smith, 3010 South 94th East Avenue, Tulsa, Oklahoma, who informed the Board that when the existing residence was built on the subject property the contractor failed to meet the required 50' setback. He submitted a plat of survey (Exhibit "M-1") and explained that when the title was examined an error was found. The encroachment is ten feet and six inches into the required setback. Mr. Smith said the variance is requested to fulfill a title requirement. Two photographs were submitted (Exhibit "M-2").

Protestants: None

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 50' setback from the centerline of East 33rd Place to 39' for an existing dwelling in an RS-3 zoned district; per plat of survey submitted; on the following described property:

Lot 1, Block 7, Sunwood Hills Second Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13426

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1209—Request an exception to allow a mobile home in an RM-2 zoned district, located on the NE/c of 10th Street and 58th West Avenue.

Presentation:

The applicant, Luther Jones, 4808 South Elwood, Box 10, Tulsa, Oklahoma, 74017, was represented by Carolyn Jones, of the same address. She explained that she and her husband have contracted to purchase the subject property, which is three lots (1 acre). They are proposing to put a 75' x 14' mobile home on the center lot (79). She informed that there are two old homes and a lot of trash on the property at the present time and they intend to clean the lots and develop a homesite for their mobile home. Their mobile home is presently on a rental lot in a mobile home park. There is a small mobile home across the street, which is approximately 8' x 30'.

Protestants: None

Comments and Questions:

Mr. Smith asked what type of sewer they would be using. Mrs. Jones informed that the home will be on the City water and sewage systems.

Case No. 13426 (continued)

Mr. Gardner informed that Mr. Jones is not advertised for a variance of the one-year time limit.

Mr. Smith asked the applicant if she understood that the mobile home can only be approved for a period of one year. She stated that she was told the approval could be renewed every year. Mr. Smith explained that she could come back before the Board for a renewal and if she advertises properly, she can be granted a waiver of the one-year limitation, if the Board finds the mobile home has not been a detriment to the area.

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 zoned district; subject to Health Department approval and a Building Permit; and subject to a one-year removal bond; on the following described property:

Lots 78, 79, and 80, Block F, Medio Addition to the City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13433

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 55' setback from the centerline of Louisville to 52.8' to allow an existing dwelling in an RS-2 zoned district, located on the SE/c of Louisville Avenue and 85th Place.

Presentation:

The applicant, John Clary of Bergen County, New Jersey, was represented by William R. Edmons, Suite 406, Petroleum Club Building, Tulsa, Oklahoma, who submitted a plat of survey showing that the sideyard encroaches 2.2' into the setback from the centerline of Louisville Avenue (Exhibit "N-1"). At the time the house was built, Louisville Avenue "dead-ended" at the subdivision line, which is to the rear of this property. The variance is requested to clear the title.

Protestants: None

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

Case No. 13433 (continued)

430.1—Bulk and Area Requirements in the RS, RD and RM Districts—under the provisions of Use Unit 1206) of the 55' setback from the centerline of Louisville Avenue to 52.8' to allow an existing dwelling in an RS-2 zoned district; per plat of survey submitted; on the following described property:

Lot 15, Block 7, Forest Creek, an addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 13427

Action Requested:

Special Exception—Section 420—Accessory Uses in Residential Districts—Use Unit 1206—Request an exception for a home occupation to operate a telephone service for life support equipment for cancer patients in an RS-3 zoned district, located on the NW/c of 25th Place and Yale.

Presentation:

The applicant, Jack Thornton, 2502 South Yale, Tulsa, Oklahoma, informed that he has recently purchased the subject property as his residence and feels that much of the protests have stemmed from the fact that he has been in transition. He is in the medical equipment business and supplies the American Cancer Society, and eastern Oklahoma with life support systems for terminal cancer patients. There are no chemicals or equipment stored in his home. He stated that his equipment is stored in a warehouse at 2822 East 15th Street, which is also his office. At the same time he bought his home, he acquired additional storage space for the medical supplies. During this transition time, the company vans frequently made stops at his residence, and sometimes as many as eight vehicles would be in the driveway at one time. He realizes that this has caused problems, but insured the Board that it is no longer necessary for the vans to come to his home. He informed that he is on 24-hour call for the patients who are on the life-support systems, as well as for the hospitals he services. There are times when the problem cannot be corrected through a phone conversation, causing him to leave in the early morning hours to attend to the problem. He compared his situation to that of a doctor, stating that he could use an answering service, and they would call him on his private phone at home. Instead, he would prefer to have a business line in his home. He does keep patient files in his home to expedite the solution to their specific problems. He explained that the traffic situation with the company vans has been corrected since December 1, 1984 and informed the Board that he owns an orange Dodge van and a sedan, which will be parked in his driveway.

Comments and Questions:

Mr. Victor asked if any of the drivers have to come to Mr. Thornton's home for any reason. Mr. Thornton informed that they do

Case No. 13427 (continued)

not. He reiterated that the equipment is stored at the warehouse and there is no reason for any of the vans to be at his residence.

Mr. Victor asked if there are any other business uses taking place in the home. Mr. Thornton explained that the phone and the patient files are the only business uses needed at the residence. There are no employees in the home. His wife types and answers the phone. He explained that he is an inhalation therapy specialist and a medical equipment specialist, and many of the calls come from nursing homes. He does not think this business will interfere with his neighbors, since there are no visual effects of the business outside his home.

Mr. Clugston asked Mr. Thornton if there are any signs in his yard. Mr. Thornton informed that there are no signs in the yard or on the house.

Protestants:

Gary Underwood, 6363 East 31st Street, Tulsa, Oklahoma, submitted a petition of protest with 89 signatures (Exhibit "O-1"). He explained that over the past few months there have been disturbances concerning traffic, etc. He feels that the residents of the neighborhood are concerned with their property values if a business is allowed in their residential neighborhood. If Mr. Thornton only wants to answer a business phone at this address, there may not be as much objection, but until December 1, 1984, there was increased traffic and other signs of a business being carried on inside the residence. Since that time there has been a considerable reduction in the traffic.

Paul Kendall, 4813 East 26th Street, Tulsa, Oklahoma, described the history of the property, including one other resident who attempted to establish a business. He informed that there are no businesses between Mayo Meadow and the railroad. He expressed concern that if the applicant is allowed to have a business phone, it will become a full-fledged business. He stated that he understood that the house was not being used as a residence, but rather as an office, and someone was there only to answer the phones. He stated that he is definitely opposed to the application and does not want a precedent set.

Tina Allison, 4824 East 25th Place, lives south of the subject property and their home faces Mr. Thornton's residence. She stated that she is expecting her first child and is concerned that this business will be a hazard to children if the traffic continues. She admitted that the traffic has slowed down since December, but feels that it can start up as quickly as it stopped. Ms. Allison stated that there are two vacant lots adjacent to the subject property and she is concerned that the business may expand and build warehouses on those lots.

Bertie Lowrance, 4933 East 25th Place, Tulsa, Oklahoma, informed that she has lived in her home since 1950. She is sympathetic to

Case No. 13427 (continued)

the needs of the terminal patients who need to contact Mr. Thornton for help, since her husband is a cancer patient. She explained that a former owner of the subject property managed a real estate office by phone from her home, and it created traffic problems, parking problems, and narrowed the traffic to one lane for most of every day. There is a school only two blocks from Yale Avenue and many children walk down Yale to school. A petition was signed and this former owner was denied home occupation by this Board. She feels a business at this location will degrade the value of her property.

Ray Morris, 4814 East 25th Street, Tulsa, Oklahoma, informed that three years ago duplexes were denied on the subject property and they would like to keep the area zoned for single-family dwelling only.

Interested Parties:

Joe Gates, 4820 East 25th Place, Tulsa, Oklahoma, informed that his property abuts Mr. Thornton's property and he has no objection to the installation of a business phone in his residence.

Joyce Matthews, 120 South Birmingham, Tulsa, Oklahoma, informed that her husband rebuilt the house on the subject property, which increased the property values of all the residences around them. They still own one of the lots behind the subject property. Mr. Thornton owns the lot the house is on and one other lot adjacent to that one. She is in favor of the application.

Additional Comments:

Mr. Jackere informed that a business phone in a residence does not establish a home occupation. There must be some outward sign of the business for it to be considered a home occupation. The Board can deny the home occupation and Mr. Thornton can continue to use the business phone just as he has been doing, as long as there is no additional traffic created.

Mr. Underwood stated that his home phone could be considered a business phone, since he receives calls from clients in the evenings. He requested that if that is the only use Mr. Thornton has in mind, the Board should deny the application and he can continue to use the phone as he has been doing, without the other benefits of a home occupation.

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 **Special Exception** (Section 420-Accessory Uses in Residential Districts—Under the provisions of Use Unit 1206) for a home occupation to operate a telephone service for life support equipment for cancer patients in an RS-3 district; on the following described property:



Case No. 13427 (continued)

The North 135 feet of the East 234.7 feet, less the East 30' thereof for street purposes, less the West 60 feet, of the South Half of the South Half of the Southeast Quarter of the Northeast Quarter (S/2, S/2, SE/4, NE/4) of Section 16, Township 19 North, Range 13 East, of the Indian Base and Meridian, according to the U. S. Government Survey thereof, City of Tulsa, Tulsa County, State of Oklahoma, Which property has a street address of 2502 South Yale, Tulsa, Oklahoma.

Case No. 13428

Action Requested:

Use Variance—Section 410—Principal Uses Permitted in the RS, RD and RM Districts—Use Unit 1217—Request a use variance to permit an RV park to be developed within a mobile home park in an RMH zoned district; and a

Special Exception—Section 410—Principal Uses Permitted in the RS, RD and RM Districts—Request an exception to permit 5 to 8 mobile homes in an RS-3 zoned district for development of a mobile home park; and a

Variance—Section 440.6—Special Exception Uses in Residential Districts, Requirements—Request a variance of the one-year time limitation for mobile homes; and a

Variance—Section 208—One Single-Family Dwelling Per Lot of Record—Request a variance to allow 5 to 8 mobile homes per lot of record; located in the 5600 Block of East 36th Street North.

Presentation:

The applicant, Donald H. Ruggles, 4317 North Mingo, Tulsa, Oklahoma, explained that he is the owner under contract of the subject property. He informed the Board that when he made application to rezone the property, the City Commission was concerned that it was too close to Mohawk Park. They restricted a 90' strip on the frontage to RS-3 zoning to insure that a green area would be maintained across the front of the mobile home park. He submitted architectural drawings indicating his intentions for that 90' strip (Exhibit "P-1"). He stated that the 50' setback required from the centerline of 36th Street North was their guideline for the screening fence required by the City Commission. The greenbelt area dedicated will be slightly 1/3 more than the total 90' required by the Commission. He submitted preliminary plot plans to give the Board an idea of his plans for the property (Exhibit "P-2") and explained that he could not present a final plan until they began to work on the property, due to the flood plain and elevations. Projected parking spaces were submitted for the RV park and the mobile home park (Exhibit "P-3") and Mr. Ruggles informed that he could not be sure exactly how many parking spaces the land would support until they begin to work with the land. He explained that the West corner of the subject property is in the flood plain, with

Case No. 13428 (continued)

the Southwest corner sloping 6'. Within this flood plain there are several magnificent trees which they hope to save. They are working with the State Department of Agriculture on a plan to save the trees, which prohibits them from filling in the property to raise it out of the flood plain. Therefore, this portion of the property is best suited for RV use, since they are mobile and can be moved easily, and are not considered permanent structures.

Comments and Questions:

Mr. Gardner informed the Board that the City Commission approved the RMH zoning for the mobile home park, but left a strip of RS on the frontage so the applicant would be required to come before this Board for approval of his plans. The City Commission cannot impose restrictions on zoning and they felt that this property might need some restrictions in regard to green area and screening along 36th Street. They advised Mr. Ruggles to present a landscape plan to this Board. He also informed that some of the mobile homes will encroach the RS-3 zoned strip by a few feet, and that is the reason for the actions requested.

Mr. Smith asked Mr. Gardner if RV's are allowed in a flood plain area. Mr. Gardner suggested that any motion for approval can be made subject to Hydrology Department approval, and they can determine if the use is suitable.

Protestants:

Dr. George Menkoff, 5819 East 64th Place, Tulsa, Oklahoma, 74136, informed that he owns the 5 acres to the east of the subject property. He was opposed to the rezoning of the property, because Cavalier Park is installing 250 mobile home spaces just south of the subject property, and that will be too many mobile homes in the area. He feels that this is degrading to his property values. It is his understanding that the mobile homes will be more dense than normal.

Marie Menkoff, 5819 East 64th Place, Tulsa, Oklahoma, 74136, suggested that the space to be used for RV's should be left as green area and used for recreation. She is concerned about what size lots will be provided for each mobile home. She also asked that the Board require that the mobile home park be screened from their property. She is Dr. Menkoff's wife.

Darrell Ferguson of Ventech Equipment, Inc., 6200 East 36th Street North, Tulsa, Oklahoma, informed that Ventech owns the 17 acres adjacent to the subject property. Ventech would have opposed the rezoning of the subject property, but they did not receive notice of the application. The property owned by Ventech is zoned IL and it is their intention to develop the property accordingly. The increased traffic flow created by this application will not be compatible with the industrial uses planned for the 17 acres they own.

Case No. 13428 (continued)

Applicant's Rebuttal:

Mr. Ruggles explained that the matter of zoning is not before this Board. He stated that the Hydrology Department has given him approval to park mobile homes on the west half of the subject property, if he fills in the 6' dropoff. However, he reiterated that he is trying to save the large trees in the area, and prefers to use that portion of the property for the more highly mobile RV's.

Additional Comments:

Mr. Victor asked Mr. Ruggles how many RV's he intends to park on the property. Mr. Ruggles explained that he does not know at the present time. The lines shown on the plot plan are only hatch marks to designate the area. There are not any parking spaces shown.

There was discussion about the topography of the property. Mr. Jackere informed that a motion can be subject to conceptual plans, which would require the applicant to bring plans back to this Board before a Building Permit can be issued.

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 Use Variance (Section 410—Principal Uses Permitted in the RS, RD and RM Districts—Under the provisions of Use Unit 1217) to permit an RV park to be developed within the western portion of the mobile home park in an RMH zoned district; finding that a hardship is demonstrated by the fact that the land has been described as subject to flooding, and RV use is consistent with the approved use, subject to Hydrology Department approval; and finding that RV's are highly mobile, which might be appropriate in a flood plain; per conceptual plot plan; and to APPROVE a Special Exception (Section 410—Principal Uses Permitted in the RS, RD and RM Districts) to permit 5 to 8 mobile homes in an RS-3 zoned district for development of a mobile home park; and a Variance (Section 440.6—Special Exception Uses in Residential Districts, Requirements) of the one-year time limitation for mobile homes; and a Variance (Section 208—One Single-Family Dwelling Per Lot of Record) to allow 5 to 8 mobile homes per lot of record; finding a hardship demonstrated in the fact that the City Commission approved RMH zoning and added RS-3 to restrict the applicant to the conditions imposed by this Board; and subject to the applicant returning to the Board with a detailed site plan for approval; on the following described property:

Begin 651.65' East of the NW/c of the N/2, NE/4, thence East 651.63', thence South 1320', thence West 651.63', thence North 1320' to P.O.B., less the east 165' of Section 22, T-20-N, R-13-E, Tulsa County, Oklahoma.

Case No. 13429

Action Requested:

Special Exception—Section 420—Accessory Uses in Residential Districts—Use Unit 1206—Request an exception to allow a home occupation (bookkeeping) in an RS-3 zoned district, located N. of NW/c of 140th East Avenue and 28th Place.

Presentation:

The applicant, Dennis Goughler, 13921 East 25th Place, Tulsa, Oklahoma, informed that he is requesting that he be allowed to have a business phone in his home to maintain a plumbing business. He stated that his wife answers the phone and keeps the books, which are kept at the home. He drives one company vehicle and has two personal cars. The company truck does not have the company name on it. There are no employees in his home, and no other business activities. He is here due to a complaint about the number of cars he keeps in front of his home. There were six cars and trucks parked around his home, but they have been removed. He does not store or manufacture any products at his residence.

Protestants:

Becky Drew, 13818 East 28th Street, Tulsa, Oklahoma, informed that allowing one home occupation in the area will set a precedent for their neighborhood. She is opposed to the use of residential property as a business. The trucks and vans that have recently been moved had been parked there for years.

Ken Loney, 13926 East 28th Place South, Tulsa, Oklahoma, informed that his residence is across the street from the subject property. He stated that several of the cars have been parked in a stationary position for eight to nine months. There was another family living with the Goughlers and a plumbing business was advertised in their name at Mr. Goughler's address. They are no longer living there, but the Goughlers now have their own plumbing business. There is plumbing equipment in the yard, and one of the trucks that sat in front of the house was used to store pipes and joints. That has been cleaned up.

Comments and Questions:

Mr. Jackere explained that the special exception (home occupation) is not necessary for the applicant to have a business phone in his home. If he intends to use the phone and the desk only, with no other outward visible signs of a business use, then the special exception can be denied and he can continue to use the phone and keep his books at home.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Smith, Victor, "aye"; no "nays"; Clugston, "abstaining"; Purser, "absent") to ~~DENY~~ a **Special Exception** (Section 420—Accessory Uses in Residential Districts—Under the provisions of Use Unit 1206) to allow a home occupation (bookkeeping) in an RS-3 zoned district; finding that the applicant can continue to use

Case No. 13429 (continued)

the business phone in his home without the additional benefits and restrictions of a home occupation; on the following described property:

Lot 30, Block 4, Eastland Acres II Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13430

Action Requested:

Special Exception—Section 420—Accessory Uses in Residential Districts—Use Unit 1206—Request an exception for a home occupation to allow auto repair and body work in an RS-3 zoned district, located N. of NE/c of Latimer and Canton Avenue.

Presentation:

The applicant, James Brown, 1119 North Canton, Tulsa, Oklahoma, was represented by Ronald Mook. He explained that he is a customer of Mr. Brown's, but that he has not had adequate time to prepare this case. He submitted a plot plan and explained it to the Board (Exhibit "Q-1"). He explained that his client has received notices from the City Code Enforcement which has brought him before this Board. Mr. Brown's property abuts an IL zoned district and Mr. Brown uses a portion of that area for auto salvage. In 1984 Mr. Brown's total income was provided by this automotive repair, and he is trying to save enough money to move his business elsewhere. Mr. Mook stated that the property has been maintained as an automotive repair since the early 1950's. The house on the subject property is one of the nicer homes in the area. The neighbor to the North has no objection to the application. He stated that a hardship is demonstrated in the fact that Mr. Brown has no other source of income. Mr. Mook requested that Mr. Brown be allowed to continue the use for a period of one year. He does not have any employees and the outside work is confined to the IL portion of the property.

Comments and Questions:

Mr. Gardner asked if a truck can be driven from the subject property to the IL portion of the property. Mr. Brown explained that it is physically impossible to drive from the residential property to the IL zoned property. There is a garage with double doors opening to the IL property. Cars can get to the garage by a private road which runs behind the residential area. Mr. Gardner informed that it is a violation of the City Ordinance to drive across residential property to IL zoned property.

Mr. Gardner asked Mr. Brown where the cars are worked on. Mr. Brown informed that the cars are parked on the IL zoned property until they are ready to work on them. They are then driven directly into the garage through double doors which open onto the IL property.

Case No. 13430 (continued)

Protestants:

Walene Smith, 1120 North Canton, Tulsa, Oklahoma, represented the protestants and submitted a petition of protest (Exhibit "Q-2"). Photographs of the subject property were also submitted (Exhibit "Q-3").

Letters of protest were submitted from Tilene Nabors, 1115 North Canton, Tulsa, Oklahoma (Exhibit "Q-4"); Miss Blanche Ruppel, 1108 North Canton, Tulsa, Oklahoma (Exhibit "Q-5"); and Mr. and Mrs. Mervin J. Smith, 1120 North Canton, Tulsa, Oklahoma (Exhibit "Q-6").

Other protestants present were: Arlene Nabors, 1115 North Canton; Jeane Goins, 1215 North Allegheny; Arlene Willis, 1242 North Fulton; Wesley McDorman, 1244 North Darlington Street; R. Nelson Wilkins, 1124 North Canton; Madeline Breshears Lambert, 1127 North Canton; Pam Jackson, 1131 North Canton; and Flory Mae Lawson, 1219 North Canton.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-1 (Chappelle, Smith, Victor, "aye"; no "nays"; Clugston, "abstaining"; Purser, "absent") to DENY a Special Exception (Section 420—Accessory Uses in Residential Districts—Under the provisions of Use Unit 1206) for a home occupation to allow auto repair and body work in an RS-3 zoned district; on the following described property:

Lot 18, Block 4, Yale Terrace Addition to the City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

In answer to a question, Mr. Jackere informed that Mr. Brown has ten days to file an appeal to District Court with the City of Tulsa. If an appeal is not filed, the City will take action to remove the use.

Case No. 13431

Action Requested:

Variance—Section 420.2—Accessory Uses in Residential Districts—Use Unit 1206—Request a variance of the 3' setback to 0' to allow an addition to an existing detached accessory building in an RS-3 district, located N. of NE/c of 16th Street and Madison.

Presentation:

The applicant, Walter Carlton, 1531 South Madison, Tulsa, Oklahoma, 74120, informed that the homes in his neighborhood were built in 1919, and most of the garages were placed on the lot lines. The Ordinances have changed since then, but his garage is compatible with the rest of the neighborhood. He explained that he is following a precedent that has already been set. The back of the add-on faces east. He presented pictures showing his garage and others adjacent to his that sit on the property lines (Exhibit "R-1"). He submitted a plat of survey (Exhibit "R-2") and a plot

Case No. 13431 (continued)

plan (Exhibit "R-3"). He is converting a one-car garage and apartment to a two-car garage.

Protestants:

Carolyn Sue Webb, 1525 South Madison, Tulsa, Oklahoma, informed that she lives next door to Mr. Carlton and is opposed to the application. She submitted pictures of the property line which is already crowded by several garages (Exhibit "R-4"). She also submitted a letter stating her protest (Exhibit "R-5").

Letters of protest were submitted from Grant C. Hull, Maple Ridge Association Board of Trustees (Exhibit "R-6"); and Jeff and Gail Huber, 1530 South Norfolk, Tulsa, Oklahoma (Exhibit "R-7").

Applicant's Rebuttal:

Mr. Carlton explained that the existing accessory buildings encroached the setbacks and this imposes a hardship. He informed that he wants to save as much of his yard as possible. He did not have a Building Permit when he built the accessory building, but he has applied for one.

Comments and Questions:

Mr. Victor stated that he is familiar with this area and all of the garages and accessory buildings are crowded in small areas near the back of the lots.

Mr. Clugston asked Mr. Carlton how long the existing garage has been on the property. Mr. Carlton informed that the garage was built when the house was built in 1919. The new addition is not encroaching any further than the existing garage. The north boundary line will be one foot from the property line, and Ms. Webb's garage is one inch from the property line.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-1-0 (Chappelle, Clugston, Victor, "aye"; Smith, "nay"; no "abstentions"; Purser, "absent") to APPROVE a Variance (Section 420.2—Accessory Uses in Residential Districts—Under the provisions of Use Unit 1206) of the 3' sideyard setback to 1' (north) and the 3' rearyard setback to 0' (east) to allow an addition to an existing detached accessory building in an RS-3 district; finding that the variance is not inconsistent with the existing structures in the area; and finding that the variance granted will not cause substantial detriment to the public, or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; on the following described property:

Lot 10, and North 17' of Lot 9, Block 15, Morningside Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13432

Action Requested:

Special Exception—Section 250.2(b)—Modification of the Screening Wall or Fence Requirements—Use Unit 1225—Request an exception to modify the screening requirement, pursuant to B.O.A. Case #11329, in an IL zoned district, located N. of NW/c of Haskell Place and Zunis.

Presentation:

The applicant, Gate City Steel, was represented by Curtis Shacklett, 406 South Boulder, Suite 600, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit "S-1"). He explained the screening modifications proposed, and referred to the Minutes of January 8, 1981 (Case No. 11329). Those minutes referred to the building (due to its style and appearance) being deemed a substitute for the required screening. They also subjected any future addition to this Board's approval for modification of the screening requirements, pursuant to that action. Under the former application, Lots 4, 5, 6, and 7 were granted waivers of the screening requirements. This application for a modification of screening was advertised for Lots 1, 2 and 3, however the final site plan only includes lot 3.

Protestants: None

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 250.2(b)—Modification of the Screening Wall or Fence Requirements—Under the provisions of Use Unit 1225) to modify the screening requirement, pursuant to B.O.A. Case No. 11329, in an IL zoned district; restricted to approval for Lot 3 only; per site plan submitted; on the following described property:

Lot 3, Block 3, Cherokee Heights Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13434

Action Requested:

Special Exception—Section 420—Accessory Uses in Residential Districts—Use Unit 1206—Request an exception for a home occupation to allow an office for an electrical shop in an RS-3 zoned district, located N. of NW/c of 13th Street and 138th East Avenue.

Presentation:

The applicant, George Bennett, 1240 South 138th East Avenue, Tulsa, Oklahoma, submitted pictures of his home and explained that he has been a resident at this address for 10 1/2 years (Exhibit "T-1"). He explained that he is an electrical contractor, and he provides a service instead of a product. His employees arrive directly at the job site and do not come to his house for their assignments. He is requesting a home occupation as the result of complaints filed when boxes were left in front of his residence. The boxes did not



Case No. 13434 (continued)

contain electrical supplies, and he does not store supplies at his home. There are no signs on the property, there is no additional traffic generated, and there is no noise factor. He informed that he keeps excess supplies in his barn so that he can use them for odd jobs. He and his wife have two personal cars.

Comments and Questions:

Mr. Victor asked where the electrical supplies are stored. Mr. Bennett explained that the electrical supplies are delivered to the job site.

Mr. Clugston asked if customers come to the house. Mr. Bennett explained that there is no reason for customers to come to the house. In the summers, they sometimes use employees to mow their grass, but they do not come to the house on a regular basis.

Protestants:

Howard Cheek, 1249 South 138th East Avenue, Tulsa, Oklahoma, lives across the street, one house down from the subject property. He informed that Mr. Bennett has had supplies delivered in a semi-trailer truck to the subject property. He informed that the cars parked in front of Mr. Bennett's house prevented a fire truck from reaching a grass fire in the field at the end of the dead-end street. He stated that Mr. Bennett has enlarged his driveway to accommodate the company vehicles. He is worried that the value of his home will be depreciated as a result of the home occupation.

Applicant's Rebuttal:

Mr. Bennett explained that the supplies delivered to his home in a semi-trailer were a mistake. The truck could not find the job site and delivered to the address on the purchase order. He informed that he tries to keep a low profile in order to maintain the residential nature of his neighborhood.

Comments and Questions:

Mr. Victor explained that a home occupation should not be noticeable, and pointed out that Mr. Bennett would not be allowed to store vehicles at his residence, nor could he have supplies delivered or stored there. There is a list of the rules and regulations which apply to a home occupation. He asked Mr. Bennett if he can abide by those rules. Mr. Bennett asked if he will be allowed to drive one company van home at night. Mr. Victor informed that one company vehicle is allowed.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "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 office for an electrical shop in an RS-3 zoned district; subject to only one company vehicle being allowed at the residence; subject to no

Case No. 13434 (continued)

outside storage of materials; subject to no deliveries to this location; and subject to the rules and regulations of home occupation; on the following described property:

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

Case No. 13435

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial District—Use Unit 1217—Request an exception to permit a transmission repair shop in a CS zoned district, located S. of SW/c of 53rd Street and Peoria.

Presentation:

The applicant, Charles R. Johnston, 6603 East 99th Street, Tulsa, Oklahoma, was not present, but requested by letter (Exhibit "U-1") that the case be withdrawn and fees be refunded.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to WITHDRAW Case No. 13435 and REFUND the public hearing fee of \$25.00.

Case No. 13436

Action Requested:

Variance—Section 1211.4—Off-Street Parking and Loading Requirements—Use Unit 1211—Request a variance of the 67 required parking spaces for an office building to 58 spaces in a CH zoned district, located on the SW/c of 15th and Delaware.

Presentation:

The applicant, Tri-Com, Ltd., 4030 East 43rd Street, Tulsa, Oklahoma, was represented by Ken Underwood, 1424 Paris Drive, Tulsa, Oklahoma, who submitted a plot plan (Exhibit "V-1") and explained that the building was formerly the 15th Street Church of Christ. Tri-Com, Ltd. is contracting to buy the church building and use it as office space. There will be no structural changes made to the building, but the off-street parking requirements are different for office space than they are for churches. Approximately 19,277 square feet will be renovated for office use. A total of 10 new parking stalls will be added. He mentioned that they might consider adding up to 25 percent compact car spaces. The parking lot is 9 spaces short of the required off-street parking. The compact car spaces would provide four more, making them only 5 spaces short.

Case No. 13436 (continued)

Mr. Gardner explained the off-street parking requirements. He stated that the applicant is providing more off-street parking than the old Ordinance required, and they are near what the new Ordinance requires.

In answer to a question by Mr. Clugston, Mr. Gardner informed that the off-street parking requirements for church use is determined by the size of the sanctuary (one space per 40 sq. ft.). Since the figures do not include classroom space, there will be office space available which will not meet the off-street parking required for office use.

Mr. Jackere informed that this Board can modify the required off-street parking by special exception.

There was discussion about the lowest density feasible for the subject property.

Protestants: None

Interested Parties:

Eugene Colleoni, 1534 South Delaware, Tulsa, Oklahoma, lives approximately 150' from the subject property. He stated that he is in support of the application, but questioned the Board about the criteria used to determine parking requirements. The Staff suggested that he could get that information from their offices.

Will Arnold, 2117 East 60th Street, Tulsa, Oklahoma, owns the Tag Office Building. He is in favor of this application and is happy to see that the church building will be put to a good use. He is pleased that there will be new business in his area. He stated that he would like for the section of 15th Street east of Lewis to improve, as has the section to the west of Lewis.

Ron Eberhardt, 1524 South Delaware, Tulsa, Oklahoma, is in favor of the application, but is concerned about the future of the trees along the fenceline. His home is adjacent to the church parking lot and the fence that exists on his north property line belongs to him. He came to the meeting to find out the intentions of the applicant.

Irene Skeehan, 1523 South Columbia Place, Tulsa, Oklahoma, owns a south adjacent property and does not object to the application. She stated that she will protest if they hurt the stone fence which surrounds her property. She informed that 150' of her north property line runs adjacent to the subject property.

Additional Comments:

Ms. Hubbard informed that unless Mr. Eberhardt's fence is on the property line, Tri-Com will be required to erect a screening fence from the residential property. Mr. Eberhardt stated his concern that if there is a screening fence placed on the lot line, the trees will need to be removed. However, he does want the parking lot screened from his front yard.

Case No. 13436 (continued)

Mr. Underwood explained that it is his understanding that the existing fences, which follow Mr. Eberhardt's property and Ms. Skeehan's property, would suffice for the screening requirements. If they do not, Tri-Com will meet the requirements of the Ordinance.

Mr. Clugston stated that a vacant church building which is left to deteriorate could only depreciate the property values in the neighborhood, and he feels that this proposed use is an improvement to the area.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to APPROVE a Variance (Section 1211.4—Off-Street Parking and Loading Requirements—Under the provisions of Use Unit 1211) of the 67 required parking spaces for an office building to 58 spaces in a CH zoned district; finding that the use involves the restoration of a City landmark, and will prevent the deterioration of that building; subject to the lot being restriped to include 25 percent compact car spaces; 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 3, 4, 5, 6 and 11 of Wrens Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13437

Action Requested:

Variance—Section 1212.4—Off-Street Parking and Loading Requirements—Use Unit 1212—Request a variance of the parking requirements for a restaurant, 4 on-site, 44 off-site, in a CH zoned district, located on the NE/c of 17th Street and Main, and on the NE/c of 17th Street and Boulder.

Presentation:

The applicant, Carl Marks, was not present.

Protestants:

Harleton Pinkerton, Vice-President of MidContinent Casualty Company and Oklahoma Surety Company, explained to the Board that the same request was submitted and denied at an earlier date. His company is in protest of the application. He suggested that the application be denied.

Comments and Questions:

Mr. Jones informed that the same request was heard at an earlier time, but the applicant was lessee of the property at that time. He is now under contract of deed for the property. The Staff feels that is a sufficient difference and allowed the new application.

Case No. 13437 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent;") to CONTINUE Case No. 13437 until January 24, 1985.

Case No. 13438

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, located on the SE/c of 31st Street and 129th East Avenue.

Presentation:

The applicant, Mike Bolick, 6614 East 57th Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit "W-1") and a lot split plan (Exhibit "W-2"). He explained that he is proposing to build a mini-storage facility on the subject property. Tract A (shown on Exhibit "W-1") is a new shopping center with an old grocery store is on the NE/c. There is also a convenience store shown in the square designated as 200' x 100'. Tract C (shown on Exhibit "W-1") is being used as a church parking lot and it will continue to be used as such. There will be living quarters in the north corner of the East building. There is a 20' setback from all of the property lines. There will be no outside storage. An access exists from 31st Street (64' corridor) and one may be added from 129th East Avenue.

Protestants:

Betty Pierce, 3167 South 130th East Place, Tulsa, Oklahoma, informed that she is the owner and resident of the duplexes immediately adjacent to the subject tract. She explained that she has invested a substantial amount of time, energy and money into the landscaping on her property, and she feels that a mini-storage abutting it would be detrimental to her property value. She is concerned about the noise and constant lighting. She informed the Board that, in her opinion, this use does not serve the purposes of the area and will impose an undue hardship on her, since she will not be able to make her mortgage payment if she cannot rent her property.

Applicant's Rebuttal:

Mr. Bolick explained that the whole mini-storage project will be enclosed by a cedar fence. The property is presently lighted 24-hours-a-day by the convenience store on Tract C. He suggested that the lighting can be directional and low.

Comments and Questions:

Mr. Victor asked what the intended hours of operation will be. Mr. Bolick informed that the mini-storage will be open from 8:00 a.m. until 8:00 p.m. every day.

Case No. 13438 (continued)

Mr. Jackere explained to Ms. Pierce that commercial uses are allowed by right with no control over lighting or materials. Some examples would be theatres, and bars. This particular use might be more desirable to the residential community since it requires action by this Board, which allows conditions to be placed on the use.

Mr. Clugston asked if any screening exists on the property at the present time. Mr. Bolick stated that there is screening on the property, and if it does not meet the requirements of the Code, he will comply with the requirements.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to APPROVE a Special Exception (Section 710—Principal Uses Permitted in the Commercial Districts—Under the provisions of Use Unit 1217) to permit mini-storage in a CS zoned district; subject to the lighting being within a 12' height and being directed away from the abutting residential area; subject to the hours of operation being from 8:00 a.m. until 8:00 p.m.; subject to the required screening; and subject to no outside storage; per plot plan submitted; on the following described property:

A part of Lot 1, Block 1, and Lot 1, Block 2, BRIARGLEN PLAZA, an addition to the City of Tulsa, Tulsa County, Oklahoma and being more particularly described as follows: Beginning at the Southwest corner of Lot 1, Block 1, BRIARGLEN PLAZA, an addition to the City of Tulsa, Tulsa County, Oklahoma; thence N. 0°10'40" W. along the West line of said BRIARGLEN PLAZA, a distance of 150 feet to a point; thence due East a distance of 200 feet to a point; thence N. 0°10'40" W. a distance of 100 feet to a point; thence due East a distance of 155 feet to a point; thence N. 45°00'00" E. a distance of 154.47 feet to a point; thence due North a distance of 85.78 feet to a point of curve to the right; thence along said curve to the right having a central angle of 90°00'00", a radius of 25 feet, an initial tangent bearing of N. 0°00'00" E. a distance of 39.27 feet to a point; thence due East a distance of 35 feet to a point; thence due North a distance of 30 feet to a point; thence N. 0°10'40" W. a distance of 200 feet to a point on the North line of said BRIARGLEN PLAZA; thence due East along said North Line a distance of 64.87 feet to the North most Northwest corner of BRIARGLEN PLAZA an addition to the City of Tulsa, Tulsa County, Oklahoma; thence S. 0°11'41" E. a distance of 700 feet to a point; thence due West a distance of 590.08 feet to the POINT OF BEGINNING, containing 175,850.14 square feet, or 4.0372 acres, more or less.

OTHER BUSINESS:

Case No. 12767

Action Requested:

Consider substitute plot plan for Case No. 12767 approved by the Board on August 25, 1983.

Presentation:

The applicant, St. John Medical Center, Twenty-First and Utica, Tulsa, Oklahoma, was represented by Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma. Mr. Norman informed that the childcare center was approved for an 18,000 sq. ft. building, and the revised plan only calls for 15,000 sq. ft. They are requesting that the parking spaces be reduced from 18 to 15, since they now plan to relocate some of the parking for additional play area. They will still meet the requirements of the Code for off-street parking. The staff will be parking in the hospital parking garage. The revised plot plan (Exhibit "X-1") shows six parking spaces relocated to allow a larger play area for the older children. There will be no changes in the setbacks.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Clugston, Victor, "aye"; no "nays"; no "abstentions"; Purser, Smith, "absent") to APPROVE a substitute plot plan for Case No. 12767.

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

Date Approved JAN 24 1985

Charles Norman Victor  
ACTING Chairman





**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 429  
Thursday, December 27, 1984, 1:00 p.m.  
City Commission Room, Plaza Level  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
	Chappelle Clugston Purser Smith, Chairman Victor	Gardner Jones	

The notice and agenda of said meeting were posted in the Office of the City Auditor on Friday, December 21, 1984, at 9:37 a.m., as well as in the Reception Area of the INCOG offices.

**Due to a lack of Quorum, the following agenda was continued until January 10, 1985:**

**UNFINISHED BUSINESS:**

1. 13330--D. J. Hartz
2. 13273--Royal Cleaners, Inc.
3. 13402--Wendy's International
4. 13408--Charles Norman
5. 13410--Woodlake Assembly of God Church

**MINOR VARIANCES AND EXCEPTIONS:**

6. 13418--O. L. Jenkins

**NEW APPLICATIONS:**

7. 13412--R. W. Cochran
8. 13413--John D. Harris
9. 13414--John Cannon
10. 13415--Dorris Byrd

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

1-10-85

  
Chairman

