

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 432
Thursday, February 7, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Wednesday, February 6, 1985, at 8:32 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 1:02 p.m.

MINUTES:

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 APPROVE the Minutes of January 24, 1985.

UNFINISHED BUSINESS:

Case No. 13273

Action Requested:

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

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

Presentation:

The applicant, Royal Cleaners, Inc., was represented by President Frank Lucenta, 9504 East 55th Street. Mr. Lucenta informed that the application was previously heard on November 1, 1984 by this Board. At that time, the site plan included a dry cleaning facility on the SE/c of the subject property. At that location, the dry cleaning facility was adjacent to Sheridan Pond Apartments, and was protested by the owners of that complex. Richard Riddle, attorney for the protestants, cited health concerns, and noise concerns. Mr. Lucenta submitted a site plan (Exhibit "A-1") and explained that they are

Case No. 13273 (continued)

proposing to move the location of the dry cleaning facility to the NE/c of the subject property, which is as far as possible from the Sheridan Pond Apartment complex. In his opinion, this site plan is significantly different, and he requested that the variance be reconsidered. He suggested that a hardship is created in the fact that the subject property is large enough for two lots, each of which could have one 1500 sq. ft. cleaning facility. If the lots were to be split, and one 1500 sq. ft. building placed on each lot, adjacent to each other, Mr. Lucenta would have essentially the same 3,000 sq. ft. structure he is proposing. He explained that the retail center will provide a buffer between the dry cleaning facility and the residential area, and that the owners of adjacent properties have approved the proposed development. He stated that the land was purchased and the platting process begun before the ordinance was revised. At the time the land was purchased, a dry cleaning and laundry plant of up to 7,000 sq. ft. was permitted by the Code. Due to the untimely changing of the Code, this case is unique and will not be setting a precedent. He submitted an Exhibit including a list of restrictions they plan to submit themselves to, in regard to the development (Exhibit "A-2").

Protestants: None

Interested Parties:

A letter was submitted by Attorney Richard Riddle, Suite 200 Park Towers, 5314 South Yale, Tulsa, Oklahoma, 74135, on behalf of Sheridan Pond, Ltd. (Exhibit "A-3"). The letter informed the Board that his clients will endorse the proposed application, in the event that the development standards set forth in the proposed site plan are adhered to.

Comments and Questions:

Mr. Smith asked Mr. Lucenta if the property has been platted into two lots. Mr. Lucenta informed that he has been granted approval for the lot split by the TMAPC, but it has not been platted.

Mr. Jackere informed that if the lot is split, Mr. Lucenta will need to make application for a variance of the required frontage, since one of the lots will not meet the Code requirement. Since that does not apply to the case before the Board, it was decided that the Board should hear the merits of this case, as they apply to the existing lot. Mr. Jackere informed that the lot split is not necessary to this application, since a hardship has been demonstrated.

Mr. Gardner noted that there is sufficient difference in this case, since its previous hearing. He reminded the Board that there will be no outside storage, only one or two delivery trucks, and the building is in a different location. He suggested that these differences might be substantial enough to convince the Board to reconsider the variance formerly denied.

Case No. 13273 (continued)

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 APPROVE a Special Exception (Section 710—Principal Uses Permitted in the Commercial Districts—Under the provisions of Use Unit 1215) to allow a dry cleaning facility in a CS zoned district under the provisions of Section 1680; and a Variance (Section 1215—Other Trades and Services—Under the provisions of Use Unit 15) of the 1500 sq. ft. floor area for a dry cleaners; finding a hardship determined by the size of the lot, and the untimely changing of the Code, in relation to this particular development; per site plan submitted; subject to a Restrictive Covenant being filed in the County Clerk's office, limiting the subject tract to no other laundry or dry cleaning facilities; subject to no more than two delivery vehicles; and subject to the following conditions, as set forth in the applicant's presentation:

1. Nightclubs, bars, taverns and dancehalls shall not be allowed.
2. Metal buildings prohibited.
3. Buildings to be masonry and steel.
4. Service entrance not permitted on south side of the building.
5. Outside storage prohibited except for one (1) closed refuse container.
6. No drums or other chemical containers to be stored around the building.
7. No pallets to be stored around the building.
8. No flammable or explosive liquids or chemicals to be used.
9. Building setbacks to be per Code.
10. Off-street parking to be per Code.
11. Platting to be per Code.
12. Building permits to be per Code.
13. The drycleaning plant facility portion of the building shall not exceed 1500 sq. ft.
14. The laundry plant facility portion of the building shall not exceed 1500 sq. ft.
15. A mutual access will be provided for access to the street (as previously approved by the Board) and between both lots, in the event of a lot split.

All on the following described property:

Two acres more or less, beginning at a point 208.72' South of the Northeast corner, Section 15, T-18-N, R-13-E, thence South 208.71', thence West 417.42'; thence North 208.71'; thence East 417.42' to the point of beginning, also known as 81st and Sheridan (South of the Southwest corner, measured to the center of the roadway).

Case No. 13343

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Units 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, was not present.

Protestants: None

Comments and Questions:

The Staff informed that Mr. Harral's application has been continued since October 1984, and Mr. Harral has not been present at any meetings. They suggested that the case be denied without prejudice, and if the applicant so desires, he can file a new application.

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 without prejudice a **Special Exception** (Section 410—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1210/11) to permit an office expansion and off-street parking in an RM-2 zoned district; on the following described property:

Lot 9, Block 1, Drew Campbell Addition to the City of Tulsa, Tulsa County, Oklahoma.

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, requested by letter that the special exception to allow a parking garage in an RD zoned district be withdrawn, and that the case be continued to allow time to readvertise (Exhibit "B-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 WITHDRAW a **Special Exception** (Section 410—Principal Uses Permitted in the Residential Districts—Under

Case No. 13410 (continued)

the provisions of Use Unit 1205) to allow a parking garage for an existing church in an RD zoned district; and to CONTINUE Case No. 13410 until February 21, 1985 to allow the applicant time to readvertise.

Case No. 13452

Action Requested:

Variance—Section 930—Bulk and Area Requirements in the Industrial District—Use Unit 1225—Request a variance of the 80' setback from the centerline of East 48th Street to 70.8' to permit an existing building in an IL zoned district, located E. of NE/c of Garnett and 58th Street.

Presentation:

The applicant, Lee Roy Smith, 5808 South 5th Street, Broken Arrow, Oklahoma, was not present.

Protestants: None

Comments and Questions:

Mr. Gardner informed that the applicant was not in violation of the City Zoning Ordinance, but that his building encroached a building setback line on the subdivision plat. The Staff suggested a refund of the public hearing portion of the fee, which is \$25.00.

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 STRIKE Case No. 13452 from the agenda, and REFUND the Public Hearing portion of the fee, which is \$25.00.

NEW APPLICATIONS:

Case No. 13443

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1214—Request a variance of the 150' frontage to 49' to permit a lot split in a CS zoned district, located at 4946 Charles Page Boulevard.

Presentation:

The applicant, Ralph Ford, 4946 Charles Page Boulevard, was represented by David W. Phillips, 200 Sand Springs, Oklahoma, who explained that Mr. Ford is the owner of Ford's Food Store. Mr. Ford is planning to retire and would like to sell the grocery store. He submitted a plot plan (Exhibit "C-1") and informed that the existing house will be deeded to Mr. Ford's son, and the lot must be split in order to clear the title. The lot split was approved by the TMAPC on February 6, 1985, subject to Board of Adjustment approval.

Case No. 13443 (continued)

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 APPROVE a Variance (Section 730—Bulk and Area Requirements in the Commercial Districts—Under the provisions of Use Unit 1214) of the 150' frontage to 49' to permit a lot split in a CS zoned district; finding that there will be no physical change to the property; 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 8 and 9, Block 1, Amended Plat of Vern Subdivision, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13453

Action Requested:

Special Exception—Section 420—Accessory Uses in Residential Districts—Use Unit 1206—Request an exception for a home occupation to allow a beauty shop in an RS-3 zoned district, located at 5044 South 31st West Avenue.

Presentation:

The applicant, Linda Schultz, 5044 South 31st West Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit "D-1") and explained that she is proposing to build a beauty shop inside an existing garage on her property. The hours of operation proposed are Tuesday, Thursday, and Friday from 9:00 a.m. until 4:30 p.m. She does not intend to have more than five customers in one day. Her driveway is a one-car drive, but it is L-shaped and long enough for four cars to park easily. She will park her car beside the garage.

Protestants: None

Comments and Questions:

Mr. Smith noted that the garage is a customary accessory building and was not built for the purpose of operating a beauty shop. Thus, it meets the requirements of a home occupation.

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 APPROVE a Special Exception (Section 420—Accessory Uses in Residential Districts—Under the provisions of Use Unit 1206) for a home occupation to allow a beauty shop in an RS-3 zoned district; subject to the hours of operation being Tuesday, Thursday, and Friday from 9:00 a.m. until 4:30 p.m.; subject to the appointments being staggered to accommodate

Case No. 13453 (continued)

off-street parking for all customers; and subject to the rules and regulations of home occupation; per plot plan submitted; on the following described property:

Lots 16 and 17, Block 5, Carbondale Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13454

Action Requested:

Special Exception—Section 910—Principal Uses Permitted in the Industrial Districts—Use Unit 1227—Request an exception to operate a recycling center in an IM zoned district, located at 725 South Utica.

Presentation:

The applicant, Norman Azinger, P. O. Box 98, Coweta, Oklahoma, 74429, was not present, but submitted a letter requesting that the case be continued until February 21, 1985 to allow time to advertise a variance (Exhibit "E-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. 13454 until February 21, 1985.

Case No. 13455

Action Requested:

Special Exception—Section 420—Accessory Uses in Residential Districts—Use Unit 1206—Request an exception for a home occupation to permit mechanical services (auto repair) in an RS-1 zoned district; and a

Variance—Section 440.2(c)—Special Exception Uses in Residential Districts, Requirements—Request a variance to permit the mechanical services to be conducted outdoors, located at 9410 East 17th Place.

Presentation:

The applicant, Jerry Seifried, 9410 East 17th Place, Tulsa, Oklahoma, submitted pictures of the subject property (Exhibit "F-1") and described them to the Board. He is requesting a home occupation to allow a mechanical shop. He stated that he intends to do minor engine repairs, tune-ups, etc., and will not be doing any major engine repair. He informed that he is not equipped to overhaul engines.

Protestants: None

Case No. 13455 (continued)

Comments and Questions:

Mr. Victor asked Mr. Seifried who the vehicles shown in the photographs belong to. Mr. Seifried explained that all the cars shown in the photos belong to his customers.

Mr. Jackere asked Mr. Seifried if he does body and fender work. Mr. Seifried replied that he does not.

Mr. Victor stated that he is not inclined to approve a home occupation for an auto repair shop at this location; however, he would like the opportunity to visit the site before making a decision.

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. 13455 until February 21, 1985 to allow the Board time to visit the site.

Case No. 13456

Action Requested:

Special Exception—Section 410 and 710—Principal Uses Permitted in the Residential and Industrial Districts—Use Unit 1205—Request an exception to allow school use in RS-3 and IL zoned districts; and a

Variance—Sections 430 and 730—Bulk and Area Requirements in the Residential and Industrial Districts—Request a variance of the 75' setback to 0' to permit building across zoning boundary lines, located at 9513 East 46th Street North.

Presentation:

The applicant, Mingo Public Schools, 9513 East 46th Street North, Tulsa, Oklahoma, was represented.

Protestants: None

Comments and Questions:

Mr. Smith informed that Hammond Engineering, Inc. surveyed the subject property, and he must abstain from voting. With only three members present, 3 affirmative votes would be impossible. Mr. Smith suggested that the case be continued until February 21, 1985.

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. 13456 until February 21, 1985.

Case No. 13457

Action Requested:

Variance—Section 320.2(b)—Accessory Signs in the AG Districts—Use Unit 1205—Request a variance of the surface area and height requirements to permit a combination bulletin board and sign for an existing church in an AG zoned district, located at 9610 South Garnett.

Presentation:

The applicant, Grace Fellowship Church, 9610 South Garnett, Tulsa, Oklahoma, was represented by Casper Jones, 1302 South Fulton, Tulsa, Oklahoma, who submitted a plot plan (Exhibit "G-1") and an architectural rendering of the sign (Exhibit "G-2"). He explained that the tract of land the church is located on is 1320' x 2640' (80 acres), and slopes to the East. Garnett Road is higher than the subject tract at the proposed site, and the existing sign, which meets the Code requirements, is hard to see. The proposed sign will be 168 sq. ft. and 25 feet high. The height is to increase visibility from Garnett Road. The existing sign will be removed. The location of the sign, as shown in the plot plan, does not encroach any setbacks, and meets the requirements of the Code.

Protestants: None

Comments and Questions:

Mr. Gardner informed that the sign should be commensurate with the size of the tract, and since the front portion of the subject tract is a detention area, which slopes to the east, the increased sign elevation is necessary. Casper Jones added that if the Garnett frontage of the subject tract were split into eight 2 1/2 acre lots, the applicant could place eight 32 sq. ft. signs along the Garnett Road frontage.

Mr. Jackere asked Casper Jones if the right-of-way is dedicated. Mr. Jones informed that the dedication was a condition of the approval of the special exception to allow the church use.

Mr. Jackere advised the Board to include a restrictive covenant in any motion for approval, requiring the removal of the sign should the tract be broken into smaller portions for sale. He informed that in the event a portion of the property is sold, the hardship would be moot.

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 APPROVE a Variance (Section 320.2(b)—Accessory Signs in the AG Districts—Under the provisions of Use Unit 1205) of the surface area and height requirements to permit a combination bulletin board and sign for an existing church in an AG zoned district; finding that the size and terrain of the subject tract constitute a hardship; and finding that the size of the sign in relation to the size of the property does not violate the spirit and intent of the Code or the Comprehensive Plan;

Case No. 13457 (continued)

subject to the sign being placed no closer to the right-of-way than 75'; subject to no other free standing signs being allowed on the subject tract; and subject to the filing of a Restrictive Covenant in the County Clerk's office permitting the use of the sign **only as long as the entire eighty acre tract remains intact**; per architectural drawing submitted; on the following described property:

A tract of land located in the SE/4 of Section 19, T-18-N, R-14-E, Tulsa County, Oklahoma. More particularly described as follows: Beginning at a point 2,664.08' North and 50' West of the SE/c of said Section, being the P.O.B.; thence N. 89°42'44" West, a distance of 2,584.90'; thence S. 00°01'51.4" East, a distance of 1,322.01'; thence S. 89°42'42" East, a distance of 2,585.34'; thence N. 00°03'00" West, a distance of 1,322.04' to the POINT OF BEGINNING, containing 78.458 (+) acres.

Case No. 13458

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 20' rear yard setback to 6' to permit an addition to an existing dwelling in an RS-3 zoned district, located at 4115 East 30th Street.

Presentation:

The applicant, Ray Hamilton, 4115 East 30th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit "H-1") and described it to the Board. He explained that he intends to build an addition to an existing house. The lot is a large lot, but is triangular, and the shape does not lend itself to any expansion of the existing dwelling without some type of relief.

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 **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 20' rear yard setback to 6' to permit an addition to an existing dwelling in an RS-3 zoned district; per plot plan submitted; finding that the size of the lot will accommodate the addition, but the shape of the lot requires a variance; and finding that due to the shapes of the adjacent lots, the houses are separated by a great distance; 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:

Case No. 13458 (continued)

Lot 23, Block 4, Santa Monica Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13459

Action Requested:

Special Exception—Section 630—Bulk and Area Requirements in the Office Districts—Use Unit 1211—Request an exception to increase the floor area ratio from 33 percent to 38 percent in OL and CS zoned districts, located on the SE/c of 14th Place and Utica.

Presentation:

The applicant, Lofty L. Basta, M.D., was represented by Richard Romero, 717 South Houston, Tulsa, Oklahoma, Director of Landscape Architecture, HTB, Inc. He informed that HTB represents Mr. Basta in his effort to build a cardiovascular clinic on the SE/c of 14th Place and Utica. Stuart Nyander presented this proposal to the Board under Case No. 13356, and in November, 1984, this Board approved a special exception to allow the floor area to be increased from 30 percent to 33 percent, a variance of the 100' setback from the centerline of Utica to 65', and a variance of the 30' setback from an abutting R district to 20' (Case No. 13356/11.15.84). Mr. Romero explained that subsequent to that approval, HTB employed the services of Stewart, White and Associates, Inc. to test the soil, prior to construction. He submitted a copy of the letter from Stewart, White and Associates, Inc. (Exhibit "I-1"), which stated that the results of that test showed the presence of approximately 11.5 feet of heterogeneous fill at the site. The fill contains large amounts of miscellaneous construction rubble, and is observed to be non-compact, as evidenced by the voids within the fill which were encountered during drilling operations. The nature and thickness of the fill indicates that the material was placed there in an effort to fill a basement from a previously razed structure at the site. Stewart, White and Associates, Inc. recommends that the existing materials be over-excavated and wasted, and if so desired, then be filled with compacted, select fill material. Mr. Romero informed the Board that the original site plan designated a partial basement, which they now propose as a full basement, in light of the soil study. He submitted a summary of the application, with the proposed building floor coverages broken into zoning classifications (Exhibit "I-2"). He explained that they intend to meet the off-street parking requirements set up in the Code. A plot plan (Exhibit "I-3") and floor plans (Exhibit "I-4") were submitted, and Mr. Romero explained that the proposed site plan eliminates a portion of the second floor from the previous site plan, and increases the square footage of the building without enlarging the footprint of the building. He stated that the second floor is reduced significantly. Since the second story wing is not included, the original variance of the setback from an abutting R district is no longer necessary.

Protestants: None

Case No. 13459 (continued)

Interested Parties:

Adel Ibrahim, HTB, Inc., described the plans and indicated where the off-street parking requirements will be met.

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 APPROVE a Special Exception (Section 630—Bulk and Area Requirements in the Office Districts—Under the provisions of Use Unit 1211) to increase the floor area ratio from 33 percent to 38 percent in OL and CS zoned districts; per plans submitted; finding that what is underground does not affect the concept of the site plan previously approved; finding that the special exception does not violate the spirit and intent of the Code or the Comprehensive Plan; and subject to the required off-street parking being on the lot of use; on the following described property:

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

Case No. 13460

Action Requested:

Special Exception—Section 630—Bulk and Area Requirements in the Office Districts—Use Unit 1211—Request an exception of the floor area ratio from 30 percent to 40 percent; and a

Variance—Section 630—Bulk and Area Requirements in the Office Districts—Use Unit 1211—Request a variance to allow a two-story building height, all to permit construction of an office building in an OL zoned district, located E. of NE/c of Granite Avenue and 71st Street.

Presentation:

The applicant, Crockett Ellison Properties, Inc., 2326 South Garnett Road, Suite B, Tulsa, Oklahoma, was represented by Michael Taylor of Sisemore-Sack-Sisemore and Associates, Inc., 5359 South Sheridan Road, Tulsa, Oklahoma. Mr. Taylor submitted a site plan (Exhibit "J-1"), and explained that a hardship is imposed by the topography of the subject tract, as well as the fact that the existing uses surrounding the subject tract include two-story facilities. The building will be placed away from the street on the slope of the property, and will appear to be a one-story building from the street. He described uses in the area which are more than one-story in height, including Corporate Oaks, which is a three-story project.

Protestants: None

Comments and Questions:

Mr. Smith asked Mr. Gardner the disposition of the RS-3 district surrounding the subject tract. Mr. Gardner informed that most of

Case No. 13460 (continued)

the apartment complexes in that area are more than one-story. The PUD to the east of the subject tract is also planned for more than one-story.

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 APPROVE a Special Exception (Section 630—Bulk and Area Requirements in the Office Districts—Under the provisions of Use Unit 1211) of the floor area ratio from 30 percent to 40 percent; and a Variance (Section 630—Bulk and Area Requirements in the Office Districts—Under the provisions of Use Unit 1211) to allow a two-story building height to permit the construction of an office building in an OL zoned district; per site plan submitted; finding that the topography, and the existing uses surrounding the subject tract constitute a hardship; and finding that the slope of the property will allow the building to be inserted in a split-level manner; and finding that the variance approved 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 tract of land, containing 1.2502 acres, that is part of the W/2 of the W/2, of the SW/4, of the SE/4 of Section 3, T-18-N, R-13-E, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: "Beginning at a point" on the South line of said Section 3, said point being the SE/c of the W/2 of the W/2 of the SW/4 of the SE/4 of Section 3; thence N. 0°02'11" West and along the easterly line of the W/2 of the W/2 of the SW/4 of the SE/4 of Section 3 for 330.00'; thence N. 89°52'07" West and parallel to the southerly line of Section 3 for 165.00'; thence S. 0°02'11" East and parallel to the easterly line of the W/2 of the W/2 of the SW/4 of the SE/4 of Section 3, for 330.00' to a point on the southerly line of Section 3; thence S. 89°52'07" East and along the southerly line of Section 3, for 165.00' to the "Point of Beginning" of said tract of land.

Case No. 13461

Action Requested:

Variance—Section 930—Bulk and Area Requirements in the Industrial Districts—Use Unit 1212/17—Request a variance of the required 150' frontage to 114' to allow a lot split in an IL zoned district, located on the SW/c of the Broken Arrow Expressway and Memorial Drive.

Presentation:

The applicant, Jackson Enterprises, Inc., was represented by Attorney Roy D. Johnsen, 324 Main Mall, Tulsa, Oklahoma.

Case No. 13461 (continued)

Protestants: None

Comments and Questions:

Mr. Smith noted that Hammond Engineering surveyed the subject tract, so he will be abstaining. Without his vote, the Board will not have three affirmative votes for this case. Mr. Johnsen requested that the case be continued until February 21, 1985.

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. 13461 until February 21, 1985.

Case No. 13462

Action Requested:

Special Exception—Section 420—Accessory Uses in Residential Districts—Use Unit 1206—Request an exception for a home occupation to permit a ceramic shop in an RM-2 zoned district, located at 1923 East Oklahoma Street.

Presentation:

The applicants, Daniel and Edwena Maddox, 1923 East Oklahoma Street, Tulsa, Oklahoma, informed that she is requesting to be allowed a home occupation permit for a ceramic shop, which will be on the first floor of their existing two-story home. Mrs. Maddox is employed in a full-time job, and would like to teach ceramic lessons in her home on an "appointment only" basis. She informed the Board that the "greenware" purchased from her shop will be sold to students only and she will not promote an increase in the traffic in the area. She explained that she teaches special techniques for finishing ceramics and plans to have no more than two students at a time. There are two existing storage buildings on the property (12' x 20' and 12' x 24'), which house the kiln and other hobby equipment used by the whole family. Photographs were submitted (Exhibit "K-1"). The one-car driveway is 60' deep, and can accommodate two or three cars. Ms. Maddox informed that they park one of their personal cars on the street.

Protestants: None

Comments and Questions:

Mr. Jackere asked Mrs. Maddox if the existing storage units in the yard are full. She informed that they are as full as she would like them to be, since she has teenage children who work on hobbies in the buildings. Mr. Jackere suggested that the Board might consider limiting the use to no more storage buildings on the subject property, if they are inclined to approve the application.

Case No. 11712 (continued)

the area homeowners), the applicant would dedicate and construct 25' x 50' "hammerhead" turn-arounds on the subject tract at the points of intersection of South 85th East Avenue and East 77th Street South. One of the turn-arounds has been constructed, and the applicant has given written assurance to the City of Tulsa that the second will be constructed at such time as the City so desires. The applicant now is seeking to vacate the dedicated right-of-way, with the exception of the two turn-arounds. In order to avoid violation of the condition of the Board's prior approval, the applicant is requesting that the Board approve the plot plan submitted (Exhibit "L-1"), subject to the applicant's obligation to construct the second turn-around at the City's request; and to remove the condition of approval requiring the dedicated right-of-way connecting the above named streets, subject to: (a) Dedication of the two 25' x 50' turn-around areas; and (b) Vacation of the balance of the previously dedicated area by the City of Tulsa. Mr. Creekmore informed that the homeowners, as well as the lenders, want the roadway vacated.

Protestants: None

Comments and Questions:

Mr. Jackere suggested that the Board may not have jurisdiction to take any action without the advertisement of a specific relief.

Mr. Gardner informed that the former approval was made subject to acceptance by the City Commission. The City Commission accepted the dedication, but the City Engineer later determined that the right-of-way was not necessary, and the streets should not be connected. The applicant is now burdened with vacation of the right-of-way, but does not want to be in conflict with the Board's requirements for approval (zoning).

Board Action:

CHAIRMAN SMITH INDICATED the consensus of the Board is that the applicant, in good faith, offered dedication to the City, as required by this Board on recommendation of the Staff. The dedication was accepted by the City and subsequently refused by the City. The burden of vacation is upon the applicant as a result of the condition imposed by this Board. Therefore, without objection, the Chair finds that the applicant is not in violation of the Zoning Code, or the conditions of approval of this Board, and that the dedication of right-of-way is not mandatory if the City no longer needed or desired the dedication.

Case No. 13162

Action Requested:

Review substitute Site Plan.

Presentation:

The applicant, James F. Mahoney, 3049 West 57th Street, Tulsa, Oklahoma, was not present.

Case No. 13462 (continued)

In answer to a question by the Board, Ms. Maddox explained that she does not charge for lessons or techniques, but her students must buy their supplies from her.

Mr. Gardner suggested that a time limit should be imposed, in order to determine if the use will be compatible with the neighborhood. He informed that if the Board is inclined to approve the application, they should restrict the use to one year and require the applicant to readvertise the use. If the neighbors within 300' have any problems with the use, that will give them a chance to state their grievances.

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 APPROVE a Special Exception (Section 420—Accessory Uses in Residential Districts—Under the provisions of Use Unit 1206) for a home occupation to permit a ceramic shop in an RM-2 zoned district; subject to no more than two customers/students at one time; subject to no additional portable storage buildings being placed on the property; subject to all parking (including resident's vehicles) being off the street; subject to the hours of operation being Tuesday and Thursday from 6:30 p.m. until 9:30 p.m., and Saturday from 10:00 a.m. until 4:00 p.m.; subject to a one-year time limitation, after which time the applicant can readvertise the use under the same application; and subject to the rules and regulations of a home occupation; on the following described property:

East 29' of South 150' of Lot 15, and west 29' of South 150' of Lot 16, Springdale Acres, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 11712

Action Requested:

Consideration of substitute Plot Plan.

Presentation:

The applicant, Mayfair Courts, Inc., was represented by Attorney Thomas A. Creekmore, III, 210 West Fifth Street, Suite 400, Tulsa, Oklahoma. Mr. Creekmore explained that on December 3, 1981, the Board gave its approval of the application to permit a nursing home facility in an AG zoned district, subject to the dedication of a street right-of-way connecting South 85th East Avenue to 77th Street South. At its meeting on March 4, 1982, the Board found that the applicant had met the Board's requirements by tendering such dedication and filing it of record. Subsequently, the applicant and the city engineering department agreed that in lieu of using the dedicated strip to connect the streets, (which action was opposed by

Case No. 13162 (continued)

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 SCHEDULE this item on the February 21, 1985 agenda.

Case No. 11329

Action Requested:

Consideration of substitute Plot Plan.

Presentation:

The applicant, Gate City Steel, was not represented.

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 SCHEDULE this item on the February 21, 1985 agenda.

SPECIAL ITEMS:

Subject:

Adopting Updated List of Minor Variances and Special Exceptions.

Presentation:

The Staff informed that the updated list of minor variances and special exceptions needs to be reviewed by this Board.

Comments and Questions:

Mr. Victor suggested that since two of the Board members are absent, and others have not had a chance to review the updated list, the item should be continued until the next scheduled meeting.

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 this item until February 21, 1985.

Subject:

Building Inspector requests an interpretation in regard to where paper collection receptacles are permitted within the zoning code.

Presentation:

Joe Moody, a representative of Pride in Tulsa, informed that the non-profit organization is 18 months old. They have incorporated Pride in Tulsa to include Clean Sweep, and other educational organizations. He explained that they have a recycling contract

Paper Collection Receptacles (continued)

agreement with Mid-Continent Paper Company. Wooden boxes (4' x 4' x 4') are placed around town (mostly public places) where people can deposit old newspapers. Mid-Continent collects the papers and recycles them, bringing revenue to Pride in Tulsa. Mr. Moody explained that the Board of Pride in Tulsa asked to come before this Board for an interpretation as to where the paper collection receptacles are allowed, so that they will not be in violation of the Zoning Code.

Protestants: None

Comments and Questions:

Ms. Hubbard explained that the boxes are generally placed at Fire Stations. She requested that the Board define the use to a Use Unit, or a customary use.

Mr. Gardner suggested that the Board should interpret the use to make it part of the official record.

Mr. Victor suggested that commercial, industrial and public districts might be appropriate for such a use.

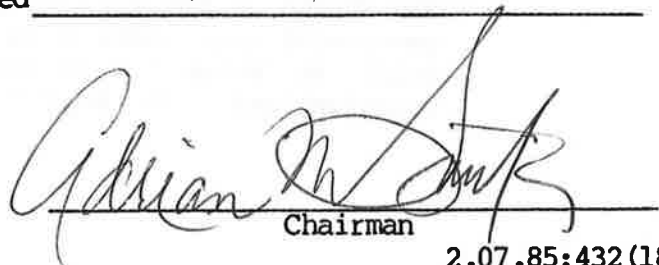
Mr. Jackere explained that the concept is acceptable, since the use is similar to Goodwill or Salvation Army trucks parked in the grocery store lots. However, he informed that the Board only has the power to interpret the Code in relation to individual situations, and does not have the power to designate customary accessory uses. In his opinion, the Board does not have the jurisdiction to provide a "blanket" approval. He suggested that the burden is on the Building Inspector to interpret each individual situation, as to whether these collection boxes are customary accessory or principal permitted uses.

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 COMMEND Pride in Tulsa for their efforts to clean up Tulsa, and to let the record reflect that the Board does not have jurisdiction to handle this request, but is supportive of the operation as it is being conducted. There being no further business, the meeting was adjourned at 3:15 p.m.

Date Approved

2-21-85


Chairman

2.07.85:432 (18)