

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 433
Thursday, February 21, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Clugston Smith, Chairman Victor	Chappelle Purser	Gardner Jones Phillips Taylor	Hubbard, Protective Inspections Jackere, Legal Department Noe, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Auditor on Wednesday, February 20, 1985, at 11:25 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 1:00 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to APPROVE the Minutes of January 24, 1985.

UNFINISHED BUSINESS:

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 church use to complete previously approved site plans in an RD zoned district, located at 7100 East 31st Street.

Presentation:

The applicant, Woodlake Assembly of God, 7100 East 31st Street, was represented by Bob Swanson, 5200 South Harvard, Tulsa, Oklahoma, who informed that Woodlake is withdrawing their former request to allow a parking garage on the subject property. He submitted site plans (Exhibit "A-1") which were approved under application No. 7169 on October 7, 1971. The plans show a future east wing, which the church is preparing to build at this time. However, since the addition was not finished within three years of the previous approval, the church is required to readvertise and present the plans again for approval. Mr. Swanson informed that the addition is a classroom facility and will not affect the seating in the sanctuary. Therefore, the parking requirements will not change.

2.21.85:433(1)

Case No. 13410 (continued)

Comments:

The Staff submitted copies of the earlier plans from the files for comparison.

Interested Parties:

Betty Griffin, 7016 East 33rd Street, represented the Woodlake Homeowners Association, and informed that they have no objection to the site plan submitted.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to ~~STRIKE~~ the original request for a parking garage from the case report; and to APPROVE a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1205) to allow a church use to complete previously approved site plans per the site plans submitted in an RD zoned district; on the following described property:

Lots 1 and 2, Block 1, Woodlake Village, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13439

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1205—Request an exception to allow church use in an RM-1 zoned district; and a

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

Variance—Section 1205.3—Use Conditions for Use Unit 5—Request a variance of the required 1-acre lot area and 100' lot width to 7250 sq. ft. lot area and 50' lot width, all located E. of SE/c of Norfolk and Pine Place.

Presentation:

The applicant, Willis West, 1135 East Pine Place, Tulsa, Oklahoma, was not present.

Protestants: None

Comments:

Mr. Jones noted that the case was continued from January 15, 1985 to allow the applicant time to clarify the legal description of the property, and define the specific use. The applicant was not present at the February 7, 1985 meeting.

Case No. 13439 (continued)

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to CONTINUE Case No. 13439 to March 7, 1985.

Case No. 13446

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1205—Request an exception to permit a church and a private school in an existing school building in an RS-3 zoned district; and a

Variance—Section 420.2(d)—Accessory Uses in Residential Districts—Request a variance to permit the erection of an identification sign larger than permitted; and a

Variance—Section 1340(d)—Design Standards for Off-Street Parking Areas—Request a variance of the required all-weather material to permit gravel to be used for the parking areas, 7370 East 71st Street.

Presentation:

The applicant, Victory Christian Center, was not represented.

Protestants: None

Comments:

Mr. Jones informed that this case was heard on January 15, 1985 and action was taken by the Board on the special exception and the second variance request. The application was continued to allow the applicant to negotiate the sign specifications with the homeowners' association.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to CONTINUE Case No. 13446 to March 7, 1985.

Case No. 13448

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1214—Request a variance of the 150' frontage to 100' and of the 50' front yard to 20' all to permit an existing building in a CS zoned district, located W. of SW/c of 25th West Avenue and I-44.

Case No. 13448 (continued)

Presentation:

The applicant, Gerald Cypert, 3340 South 63rd West Avenue, Tulsa, Oklahoma, 74017 was not present.

Protestants: None

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to CONTINUE Case No. 13448 to March 7, 1985.

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; and a

Variance—Section 930—Bulk and Area Requirements in the Industrial Districts—Request a variance of the 100' setback from the centerline of Utica to 88' to permit construction of a structure, all located at 725 South Utica.

Presentation:

The applicant, Can Pak, Inc., 15212 Brookside Circle, Omaha, Nebraska, was represented by Vice President Norman Azinger. He explained that Can Pak has lost a lease at another location on South Utica, and needs to relocate the can recycling center. He informed that the facility will be exactly the same as it is at the present location. The new parking lot will be larger. He explained that the recycling center is not a scrap yard, and is similar to a theme park, using a circus theme. Most of Can Pak's business is with the general public (i.e. individuals who collect aluminum cans). The subject tract is presently unimproved, but will be paved and improved. He submitted a plot plan (Exhibit "B-1") and stated that the building is a portable structure, but will be made to look permanent and will be placed on a cement pad. Mr. Azinger pointed out that the lot is only 116' in depth, and the required 100' setback would deplete any useable area. He noted that during the previous two years in operation at the present location, Can Pak serviced 43,793 Tulsans, and paid out \$467,353.00 to the public. That figure averages out to approximately \$10.67 per customer, and flows back into Tulsa's economy.

Protestants: None

Comments and Questions:

Mr. Smith asked Mr. Gardner if the Staff has a list of the previous requirements imposed on the use at the present location. Mr. Gardner informed that a copy is in the file.

Case No. 13454 (continued)

Mr. Gardner asked Mr. Azinger if he can live with the restrictions imposed on the existing facility. Mr. Azinger replied that he can.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to APPROVE a Special Exception (Section 910—Principal Uses Permitted in the Industrial Districts—Under the provisions of Use Unit 1227) to operate a recycling center in an IM zoned district; and a Variance (Section 930—Bulk and Area Requirements in the Industrial Districts) of the 100' setback from the centerline of Utica to 88' to permit construction of a building; finding that the applicant demonstrated by the previous facility that the use does not violate the spirit and intent of the Code or the Comprehensive Plan; and finding a hardship demonstrated by the narrow shape of the lot; subject to no visible outside storage being permitted; and subject to the operation being maintained in a neat and orderly fashion, as represented by the applicant; on the following described property:

Lot 18, less the South 100' of the East 50', and all of Lot 17, Central Place Subdivision, City of Tulsa, Tulsa County, Oklahoma.

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, explained that his case was continued from February 7, 1985, to allow the Board to visit the site. He explained that he does not have anyone working for him at his home. He has five children at home to feed and cannot afford to lease a commercial space. He asked that the Board consider approval of his application.

Protestants: None

Comments and Questions:

Mr. Smith informed that he visited the site, and the operation is far outside the limits of a home occupation. He suggested the applicant might seek the relief he needs elsewhere, if he intends to pursue the use at this location.

Case No. 13455 (continued)

Mr. Gardner informed that the use is a substantial operation, and judging from the number of cars on the lot, it would take Mr. Seifried a long time to repair them by himself.

Mr. Jackere informed that the applicant, by the nature of the application, is asking for a use variance with restrictions.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, 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 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) to permit the mechanical services to be conducted outdoors; finding that the special exception requested violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 1, Block 4, Windsor Park, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13456

Action Requested:

Special Exception—Sections 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 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, was represented by Gerald Inglett, of Larry W. Taylor Architects, Inc., 2570 South Harvard, Suite 11, Tulsa, Oklahoma, who submitted a plot plan (Exhibit "C-1"). He explained that a bus barn was built on the back side of the subject tract two years ago. During the past two years, they have been working on plans for a new classroom structure, which they are ready to build. The setback variance is requested because the building will cross the zoning line. He submitted a letter requesting a fee waiver (Exhibit "C-2"). There is an existing school building on the property.

Protestants: None

Comments and Questions:

Mr. Victor asked Mr. Jackere if the lots need to be subjected to a tie contract. Mr. Jackere informed that building across a lot line ties the lots. However, if the Board will feel more comfortable

Case No. 13456 (continued)

with restricting any motion for approval to a tie contract, they have the jurisdiction to do so.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith*, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to APPROVE a Special Exception (Sections 410 and 710—Principal Uses Permitted in the Residential and Industrial Districts—Under the provisions of Use Unit 1205) to allow school use in RS-3 and IL zoned districts; finding that the school use does not violate the spirit and intent of the Code or the Comprehensive Plan; and a Variance (Sections 430 and 730—Bulk and Area Requirements in the Residential and Industrial Districts) of the 75' setback to 0' to permit building across zoning boundary lines; finding that the multiple zoning classifications on the subject property impose an unnecessary hardship on the applicant; finding that the building will not be close enough to any other structure to have a detrimental affect on anyone; and finding that the setback is, in effect, a technicality; and to GRANT a waiver of filing fees; on the following described property:

Lots 12, 13 and 14, Mingo Addition, City of Tulsa, Tulsa County, Oklahoma.

*Let the record reflect that Hammond Engineering surveyed the subject tract, and that Chairman Smith declared his previous abstention from voting on the application. He stated that it is not in the best interest of the public to continue this case again, since three affirmative votes are necessary to approve an application. He does not share a personal interest, in any way, in this case, and has nothing to gain or lose by this approval.

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 BA Expressway and Memorial Drive.

Presentation:

The applicant, Jackson Enterprises, Inc., was represented by Attorney Roy Johnsen, 324 Main Mall, Suite 900, Tulsa, Oklahoma. Mr. Johnsen submitted a plat of survey (Exhibit "D-1") and stated that TAC and TMAPC recommended approval of the lot split. He noted that the case was continued from February 7, 1985, pursuant to Chairman Smith's abstention from voting. Although Hammond Engineering surveyed the subject tract, Mr. Johnsen feels that the possibility of a conflict of interest is remote, and Chairman Smith has nothing to gain or lose by the approval of the application. He explained that the Broken Arrow Expressway makes a diagonal cut across the property, which will cause the northern lot to have less

Case No. 13461 (continued)

frontage than required. There will be no access changes. The other lot will have 153' of frontage. Angelo's Restaurant is on one of the proposed lots, and the other one is presently leased to a used car dealership. The lot split is requested so that the second lot can be sold to the lessee.

Protestants: None

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to **APPROVE** a **Variance** (Section 930—Bulk and Area Requirements in the Industrial Districts—Under the provisions of Use Unit 1212/17) of the required 150' frontage to 114' to allow a lot split in an IL zoned district; finding that the irregular shape of the lot constitutes an unnecessary hardship for the applicant; per plans submitted; on the following described property:

TRACT 1

A part of the SE/4 of the SE/4 of Section 23, T-19-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma more particularly described as follows, to-wit: Commencing at the Northeast corner of the SE/4 of the SE/4 of Section 23, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma; thence S 0°03'00" W. along the East line of Section 23 and the centerline of South Memorial Drive, a distance of 430.00 feet; thence N. 89°57'53" W. a distance of 75.00 feet to a point on the West line of a right-of-way easement of South Memorial Drive and the Point of Beginning; thence N. 89°57'53" W. a distance of 305.00 feet; thence N. 0°03'00" E. a distance of 227.75 feet; thence S. 89°14'46" E. a distance of 181.12 feet; thence S. 0°12'56" W. a distance of 25.05 feet; thence S. 67°04'13" E. a distance of 14.69 feet; thence S. 77°19'11" E. a distance of 10.45 feet; thence S. 68°29'30" E. a distance of 107.70 feet to a point on the West line of a right-of-way easement of South Memorial Drive; thence S. 0°03'00" W. parallel to and 75.00 feet perpendicularly distant from the East line of said Section 23 and the centerline of South Memorial Drive a distance of 153.00 feet to the Point of Beginning and containing 62,985.42 square feet, or 1.4459 acres, more or less.

TRACT 2

A part of the SE/4 of the SE/4 of Section 23, T-19-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma more particularly described as follows, to-wit: Commencing at the Northeast corner of the SE/4 of the SE/4 of Section 23, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma; thence S. 0°03'00" W. along the East line of Section 23 and the centerline of South Memorial Drive, a distance of 430.00 feet; thence N. 89°57'53"

Case No. 13461 (continued)

W. a distance of 75.00 feet to a point on the West line of a right-of-way easement of South Memorial Drive; thence N. 0°03'00" E. along the West line of said right-of-way easement, parallel to and 75 feet perpendicularly distant from the East line of said Section 23, a distance of 153.00 feet to the Point of Beginning; thence N. 68°29'30" W. a distance of 107.70 feet; thence N. 77°19'11" W. a distance of 10.45 feet; thence N. 67°04'13" W. a distance of 14.69 feet; thence N. 0°12'56" E. a distance of 25.05 feet; thence N. 89°14'46" W. a distance of 181.12 feet; thence N. 0°03'00" E. a distance of 98.83 feet; thence N. 53°45'16" E. a distance of 124.07 feet; thence S. 89°57'53" E. a distance of 57.39 feet; thence S. 47°56'17" E. a distance of 198.66 feet; thence S. 0°03'00" W. along the West line of a right-of-way easement of South Memorial Drive, parallel to and 75 feet perpendicularly distant from the East line of said Section 23 and the centerline of South Memorial Drive, a distance of 114.00 feet to the Point of Beginning and containing 45,527.65 square feet or 1.045 acres, more or less.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13465

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 67th East Avenue to 43' to permit construction of a dwelling in an RS-3 zoned district, located on the NE/c of 67th East Avenue and 8th Street.

Presentation:

The applicant, Clarence Worley, 2602 South 92nd East Avenue, Tulsa, Oklahoma, submitted plans and elevations (Exhibit "E-1") for the proposed home. Mr. Worley owns the subject tract. He stated that there are other homes in the area which encroach the setback (e.g. the north adjacent residence is 45' from the centerline, and the south adjacent residence is 39' from the centerline). He informed that a precedent has been set in his neighborhood, and submitted a plot plan showing the other encroachments in the area (Exhibit "E-2").

Protestants: None

Comments and Questions:

Mr. Gardner informed there is a 60' right-of-way at this location, but it is not designated as a collector. The key to the application is to establish whether this house will line up with the existing dwellings.

There was discussion about the plans submitted, and the setbacks requested.

Case No. 13465 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, 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 67th East Avenue to 43' to permit construction of a dwelling in an RS-3 zoned district; per plans submitted; finding a hardship imposed by the fact that the subject tract is a corner lot and is surrounded by existing encroachments; finding that the setbacks on both streets are restrictive to that particular lot; 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:

Lot 12, Block 19, Sheridan Hills, an addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 13463

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Request an exception to permit Use Unit 15 in a CS zoned district, located on the NW/c of 11th Street and 123rd East Avenue.

Presentation:

The applicant, Bank of Oklahoma, represented by Attorney William B. Jones, 201 West Fifth Street, Suite 400, Tulsa, Oklahoma, submitted a letter requesting a withdrawal of application No. 13463 (Exhibit "F-1").

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to WITHDRAW Case No. 13463.

Case No. 13464

Action Requested:

Variance—Section 1221—Business Signs and Outdoor Advertising—Request a variance to locate a business and directional sign in an RM-1 zoned district, located E. of 61st and Richmond.

Presentation:

The applicant, American Bank and Trust Company, was represented by Attorney William B. Jones, 201 West 5th Street, Suite 400, Tulsa,

Case No. 13464 (continued)

Oklahoma. Mr. Jones explained that the subject tract is located in Reserve A of Livingston Park Subdivision. Reserve A was dedicated to the City as a detention facility, with reserved rights of ownership, at such time that the detention facility is no longer necessary. American Bank and Trust Company owns the reversionary interest. The NE/c of the pond is not required for detention and his clients request a variance to locate a directional sign there. He explained that the bank has relocated in One Warren Place, and they have had complaints from customers who have had a difficult time finding the new location. He submitted a copy of the sign proposal (Exhibit "G-1") and presented a photograph of a similar sign. He stated that One Warren Place is adjacent to the subject tract. The sign will be 18'10" in height. Mr. Jones stated that he has discussed his client's plans with Commissioner Metcalf, and was informed that the City is prepared to issue them a sign permit.

Comments and Questions:

Mr. Clugston informed that he was unaware that the Street Commissioner is issuing sign permits.

Mr. Jackere informed there is a moratorium in effect on all outdoor advertising signs. In his opinion, this is an outdoor advertising sign.

Mr. Jones stated that the bank sign is not considered an outdoor advertising sign, rather a directional sign.

Mr. Victor asked the applicant to address the hardship involved. Mr. Jones reiterated that the subject property is located in a detention facility and serves no other useful purpose. The bank is located in One Warren Place, adjacent to the subject tract. The owners of One Warren Place will not permit a sign on their property. He also informed that the subject tract has an unusual topography.

Mr. Smith stated that he feels this sign is more acceptable than many of the other signs previously approved by the Board. In his opinion, the sign is in good taste.

Protestants:

Bob Sneed, President of the Board of Directors of the Livingston Park Homeowners Association, informed that he was authorized by that organization to address this issue. He informed that Livingston Park is a residential area, and the homeowners will protest any sign placed on residential property. They do not want a precedent of this kind set. He stated that the residents of Livingston Park have maintained the detention pond, planting trees and caring for those existing. The City ran a water line to the pond for maintenance purposes, and the residents take care of the property. A commercial sign does not belong there. There is commercial property across the street that would be more appropriate for this sign.

Case No. 13464 (continued)

Judy Autry, stated that she has been a resident of Livingston Park South for four years. There have been too many encroachments of the planned residential nature of Livingston Park. She informed that the developers of One Warren Place assured the residential property owners that they would not harm the residential nature of Livingston Park. This sign could be seen from the front porch of her home. She requested a denial of this application.

Mary Martin, 6240 South Richmond, Tulsa, Oklahoma, suggested that an 18' sign is not a directional sign. She stated that the proposed sign could be seen from 65th Street to 61st Street. There are other locations in the area which would be more appropriate for this type of a sign. The drive-in facility of the same bank would be a better location. She is adamantly opposed to the application.

Marie Sneed informed that she will be able to see the sign from her front porch. She read a letter from the Livingston Park Homeowners Association to the TMAPC, requesting that the zoning be changed from RM-1 to RS-1.

Charles Pelton, 4332 East 60th Place, Tulsa, Oklahoma, lives directly north of the subject property. He suggested that the bank's advertising problems should not be imposed on the entire residential community surrounding the subject tract. He suggested that the bank try a mail-out giving directions to the new location.

Jeanne Pelton, 4332 East 60th Place, Tulsa, Oklahoma, informed that she and her husband have a home built on a double lot. They have provided a sanctuary for the wild animals that live around the pond, and enjoy watching them from their patio. If the sign is permitted at this location, it will completely destroy their view.

Edwin Pence, 4342 East 60th Street, Tulsa, Oklahoma, lives directly across from the subject tract. He wonders why the sign is not going to be placed on the road to the bank. He feels that the sign in this location will not serve any purpose. He is opposed to the sign.

Everitt Stalcup, 4127 East 62nd Street, Tulsa, Oklahoma, agreed with the preceding protestants, stating that an 18' sign is the tallest directional street sign he has heard of. He is in protest of the application.

Applicant's Rebuttal:

Mr. Jones informed that he was unaware that this application to allow a sign would create such a furor among the homeowners surrounding the property. He stated that American Bank and Trust Company does not want to create problems for their neighbors, but would like to help solve them. Therefore, Mr. Jones requested that this application be withdrawn.

Case No. 13464 (continued)

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to WITHDRAW Case No. 13464 and to commend Mr. Jones for his cooperative attitude.

Case No. 13466

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1215—Request a variance of the 50' setback from the centerline of Peoria to 48' to allow an existing sign in a CH zoned district, located at 3840 South Peoria Avenue.

Presentation:

The applicant, Lee Taylor, 3840 South Peoria, Tulsa, Oklahoma, presented nine pictures of his dry cleaning establishment, showing the encroachment for which he was issued a citation (Exhibit "H-1"). The existing pole sign has been at this location for approximately 12 years. The two portable signs have been there for two years. Mr. Taylor informed the Board that the application is in reference to the two small signs, which he was told encroach the setback from the centerline of Peoria Avenue. He stated that the signs do not obscure the vision of motorists, either on the street, or in the parking lot. Circle K has a sign on the subject tract which is taller than the applicant's pole sign.

Protestants: None

Interested Parties:

A letter was submitted from Mrs. E. L. Newton in support of the application (Exhibit "H-2").

Comments and Questions:

Ms. Noe informed that the complaint which prompted the citation was made in reference to the pole sign, and did not mention the portable signs.

Mr. Victor asked the applicant why the portable signs cannot be moved back two feet, to remove them from the setback. Mr. Taylor explained that the ingress and egress to the lot will not allow the signs to be placed any differently than they are now. The sign which encroaches the right-of-way abuts the pole sign and cannot be moved back any further.

Mr. Victor noted that the pole sign overhangs into the right-of-way also. Mr. Taylor explained that during the application process, he visited with staff members in the office of Code Enforcements, as well as at INCOG, and no one ever mentioned the pole sign as a violation.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions";

Case No. 13466 (continued)

Chappelle, 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 50' setback from the centerline of Peoria Avenue to 48' to allow an existing sign in a CH zoned district; finding that the applicant did not demonstrate a hardship that would allow a portable sign in the City right-of-way; on the following described property:

That part of Lot 2, Brockman's Subdivision, Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows: Beginning at a point 100 feet North of the SE/c of said Lot 2, thence West 150 feet, thence North 50 feet, thence East 150 feet, thence South 50 feet to the point of beginning.

Case No. 13467

Action Requested:

Section 420—Accessory Uses Permitted in Residential Districts—Use Unit 1206—Request an exception for a home occupation to allow office machine repair in an RS-3 zoned district, located at 11316 East Newton Place.

Presentation:

The applicant, Robert Kerby, 11316 East Newton Place, Tulsa, Oklahoma, informed the Board that he is requesting the home occupation to allow him to repair typewriters in his garage. He stated that he averages one or two customers a day, and has no deliveries to his home. He also buys and sells used typewriters. The hours of operation proposed are from 9:00 a.m. until 5:00 p.m., with minor exceptions. He will not use an outside sign. He informed the Board that he does not use noisy tools, and when he uses gasoline to clean the typewriters, he goes out into the backyard. He explained that he uses very little gasoline (teaspoon per machine), and has very little runoff, if any at all. The gasoline can be stored in a one-gallon container in his garage.

Protestants: None

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to APPROVE a Special Exception (Section 420—Accessory Uses Permitted in Residential Districts—Under the provisions of Use Unit 1206) for a home occupation to allow office machine repair in an RS-3 zoned district; subject to the rules and regulations of home occupation; and subject to the hours of operation being from 9:00 a.m. until 5:00 p.m.; on the following described property:

Lots 3 and 4, Block 2, Modern Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13468

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Use Unit 1205—Request a variance of the lot width from 60' to 58.41' and of the sideyard setback from 10' to 5', all to permit a lot split in an RM-2 zoned district, located E. and N. of Tecumseh and Yorktown.

Presentation:

The applicant, William H. Christ, 2448 East 56th Place South, Tulsa, Oklahoma, is a retired builder and is an affiliate of HUD. He builds homes within the 1200 sq. ft. range for first home buyers. Mr. Christ informed that the subject tract is 107' wide and 207' deep, and is considerably larger than the other lots in the area. He explained that it would not be economically feasible to build a 1200 sq. ft. house on larger size lots than those proposed. Therefore, he is requesting the variances so that three 1200 sq. ft. houses can be built on three separate lots. He submitted a lot split plat (Exhibit "I-1"). Mr. Christ owns and resides in the home to the east of the subject tract.

Protestants: None

Comments and Questions:

Mr. Gardner explained that even if the lots are split, they will be considerably longer and wider than the existing lots in the area. Mr. Gardner pointed out that the lots to the south of the subject tract are single-family lots, which are 50' wide. These lots will be 58.41', and are also for single-family dwelling.

Mr. Gardner noted that the TMAPC approved the lot split on February 20, 1985, subject to the Board's approval.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, 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 1205) of the lot width from 60' to 58.41', and of the sideyard setback from 10' to 5', all to permit a lot split in an RM-2 zoned district; finding a hardship imposed by the extreme size of the lots in comparison to those around them; per plat of survey submitted; on the following described property:

Lot 13, Block 4, Conservation Acres Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13469

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Use Unit 1205—Request a variance of the 85' setback from the centerline of Mingo to 62' to allow an addition to an existing day care center in an RS-3 zoned district, located at 4849 South Mingo Road.

Presentation:

The applicant, Lynda Wingo, 4849 South Mingo Road, Tulsa, Oklahoma, was represented by Jess Stout, 5424-A South 94th East Avenue, Tulsa, Oklahoma. Mr. Stout (contractor) informed that the day care center is proposing an addition, which will encroach the setback from the centerline of Mingo Road. He submitted pictures of the existing facility (Exhibit "J-1") and elevations (Exhibit "J-2"). The addition will be a 5' addition, which will bring the building within 12' of the property line.

Protestants: None

Comments:

Mr. Gardner explained (from the planning standpoint) that this area is planned for commercial and industrial zoning, which requires a 100' setback. The existing 85' setback is pursuant to the present RS-3 zoning. If this variance is granted, it might set a precedent, which could lead to commercial and industrial encroachments after the zoning is changed.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to **DENY** a **Variance** (Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Under the provisions of Use Unit 1205) of the 85' setback from the centerline of Mingo Road to 62' to allow an addition to an existing day care center in an RS-3 zoned district; finding that the applicant failed to demonstrate a hardship that would justify the variance requested; on the following described property:

Beginning at a point 358 feet south of the NW/c of the SW/4, SW/4; thence east 208 feet; thence north 75 feet to P.O.B., Section 30, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13470

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1205—Request a variance of the 50' setback from the centerline of 35th Street to 25' in a CS zoned district, located at 3515 South Harvard; and a

Case No. 13470 (continued)

Use Variance—Section 410—Principal Uses Permitted in the Residential Districts—Request a use variance to permit a parking lot in an RS-3 zoned district, located on the NE/c of 36th Street and Indianapolis.

Presentation:

The applicant, Christ United Methodist Church, 3515 South Harvard, Tulsa, Oklahoma, was represented by Gary Spragins, Architect. Mr. Spragins submitted a preliminary master plan for the church addition (Exhibit "K-1"), and explained that they are planning to expand the sanctuary of the church. The addition will encroach the setback 17'. Mr. Spragins explained that a hardship is imposed by the physical fact that the church is a locked-in, urban church, which makes it impossible to expand the present facilities without some encroachment. They are in the process of buying the lots across Indianapolis Avenue, and plan to vacate that street in order to aid their situation. However, these are long-range plans and do not solve the immediate problem. The church has also contracted to buy the Red Cross building across 35th Street, which will help alleviate parking problems. This parking lot is presently leased. Mr. Spragins informed that they intend to buy and improve the lots on Indianapolis within the next six months to one year. The church may sell the Red Cross lot, but retain the right of parking. The church meets the Code required off-street parking for the proposed sanctuary addition, pursuant to the Red Cross lease, however, the church is conducting three services on Sunday mornings, and the required off-street parking still does not meet the needs of the Sunday morning crowd.

Protestants: None

Comments and Questions:

Ms. Hubbard informed that without a tie-contract to the Red Cross lot, the applicant will need to seek additional relief to allow required off-street parking off the lot of use.

Mr. Gardner stated that if the church were to purchase the homes across Indianapolis, and vacate that street, they would own the whole block. That would provide more than the required off-street parking on the site of use. However, that is a long-range plan and has no bearing on the immediate relief sought. A tie contract for the Red Cross lot is necessary, as relates to their use of the present parking.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to APPROVE a Variance (Section 730—Bulk and Area Requirements in the Commercial Districts—Under the provisions of Use Unit 1205) of the 50' setback from the centerline of 35th Street to 25' in a CS zoned district; finding a hardship imposed by the existing configuration of the structure, and

Case No. 13470 (continued)

by the fact that the addition is adjacent to property under contract for deed by the church; which is zoned CH and requires no setback; subject to the applicant being successful in obtaining ownership of the Red Cross building; and subject to a tie contract between the two parcels; and to APPROVE a Use Variance (Section 410—Principal Uses Permitted in the Residential Districts) to permit a parking lot in an RS-3 zoned district; finding that a precedent has been set by the existing parking lot in the residential area; and finding that the use variance approved does not cause substantial detriment to the public good, or impair the purposes, spirit and intent of the Code or the Comprehensive Plan; per plans submitted; on the following described property:

Lot 40, Albert Pike and Lots 11 and 12, Block 3, Eisenhower Addition to the City of Tulsa, Tulsa County, Oklahoma.

Chairman Smith advised the applicant to be solicitous to the abutting residents when the parking lots are paved.

Case No. 13471

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential District—Use Unit 1205—Request an exception to permit a retirement center in an RM-1 zoned district, located on the SE/c of 22nd Street and Memorial.

Presentation:

The applicant, Ina F. Reese, (agent for the owner) 1100 South Lynn Riggs, Claremore, Oklahoma, 74017, was represented by Bill Colson, Colson Construction, 2741 12th Street SE, Salem, Oregon, 94302. Mr. Colson submitted the concept of the proposal (Exhibit "L-1") and explained that Clifford Currey Architect of Salem, Oregon, has designed a retirement center to be built at Memorial Boulevard between 22nd and 23rd Streets South, Tulsa, Oklahoma. The retirement center will be a 92-suite facility for the elderly. The concept is designed for those who are still ambulatory, but in need of some support. Each apartment will be similar, and will not include a kitchen. Services will include three meals a day, housekeeping, laundering, private bus transportation and various activities. Staff members are "in house" 24 hours a day. Approximately 10 percent of the rooms will be rented by couples, making a total building population of 101. Fewer than 10 percent of the residents will be driving their own cars. In designing the building, care was taken to minimize the impact to the existing community. The site will be extensively landscaped. Vehicle access is proposed from 22nd Street South. There will be a covered service entry for loading and trash collection, and parking will be provided for 44 cars. He informed that their experience indicates that the average need is 1 space for each 4 rooms, or 23 spaces, in this instance. The building construction will be wood frame, with stucco siding and a pitched roof. A sprinkler system will be installed in the building. The traffic study of their other facilities shows that an average of five to seven service trips a day can be

Case No. 13471 (continued)

expected. Also included was the parking comparison study. Mr. Colson informed that the subject tract presently accommodates a single-family residence. A plot plan was submitted (Exhibit "I-2").

Comments and Questions:

Mr. Victor asked Mr. Jones what Use Unit is most appropriate for this type of use. Mr. Jones informed that Use Unit 5 is most appropriate for this type of use.

Mr. Victor noted that the plot plan shows a 20' sideyard setback, and a 25' setback is required. Mr. Colson indicated that they will comply with all the setback requirements when the final plans are submitted.

Mr. Victor informed that the proposed structure is a three-story building, and will be well over the 50 percent floor area ratio.

Mr. Gardner informed that this proposal may be apartments, and if so, this property, as zoned will not support 92 units.

Mr. Jackere read from the Code and indicated that this type of use is similar to a boarding house, or a dormitory. He agreed that the proposed structure is well over the 50 percent floor area ratio and recommended that the case be continued to allow the applicant to advertise for additional relief.

Protestants: None

Interested Parties:

Joe Hamra, 7006 South Evanston, Tulsa, Oklahoma, questioned the number of units proposed. He owns the nursing home at 2154 South 85th East Avenue and has had to comply with strict regulations.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to CONTINUE Case No. 13471 until March 21, 1985 to allow the applicant and the Zoning Officer time to review the plans, and if necessary, advertise for additional relief.

Case No. 13472

Action Requested:

Special Exception—Section 710—Principal Uses Permitted in the Residential Districts—Use Unit 1217—Request an exception to allow automotive and allied activities in a CS zoned district; and a

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Request a variance of the floor area ratio from 50 percent to 72 percent to permit an addition to an existing structure.

Case No. 13472 (continued)

Presentation:

The applicant, Harley Martin, 2201 East 3rd Street, Tulsa, Oklahoma, was represented by Ernie Hartman, 6635 East 88th Street, Tulsa, Oklahoma. Mr. Hartman submitted plans for the proposed addition (Exhibit "M-1") and explained that the existing facility is in operation by special exception granted August 6, 1981. At that time, the Board also granted a variance of the setback requirements from the centerline of Third Street from 65' to 46'. The occupant has suffered substantial damage as a result of vandalism during the past three years. Most of the damage has been confined to the parking lot (e.g. broken windshields, slashed tires, etc.), and the applicant feels that a covered parking area would result in a substantial decrease in his losses. During 1984, Mr. Martin spent in excess of \$12,000.00 to recover losses caused by vandals.

Protestants: None

Comments and Questions:

Ms. Hubbard explained in answer to a question by the Board, that the application is pursuant to the fact that the addition will not be on the same piece of property previously approved. She also explained that parking will be on site, but will be inside the proposed addition. A vacated alley is next to the subject tract.

In answer to a question by the Board, Mr. Hartman explained that the existing building is used for a machine shop, engine exchange, and automotive repair.

There was discussion about the variance request, and Mr. Jackere informed that if all the parcels under Mr. Martin's ownership were tied, he would meet the bulk and area requirements. He suggested that any motion for approval could be subject to the overall ownership meeting the 50 percent floor area ratio.

In answer to a question by the Board, Mr. Hartman informed that the addition will be connected to the existing structure, with an overhead door between the two buildings.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to APPROVE a Special Exception (Section 710—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1217) to allow automotive and allied activities in a CS zoned district; and a Variance (Section 730—Bulk and Area Requirements in the Commercial Districts) of the floor area ratio from 50 percent to 72 percent to permit an addition to an existing structure; subject to the materials being the same as those used in the existing facility; subject to a tie contract between the lots; and subject to the applicant producing evidence to confirm that the floor area ratio, based on the entire ownership, is within the limits of the Code; per plans submitted; on the following described property:

Case No. 13472 (continued)

The West 24.5' of Lots 10 and 11, Block 7, and the alley between Lots 7, 8, 10 and 11, Block 7, Wakefield Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13473

Action Requested:

Use Variance—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1225—Request a use variance to permit an existing machine shop and to allow an addition in an RS-3 zoned district; and a

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Request an exception to permit an existing machine shop and to allow an addition in a CH zoned district.

Special Exception—Section 250—Screening Wall or Fence Requirements—Request an exception to modify the screening requirements, all located at 4910 North Peoria.

Presentation:

The applicant, Jack Evans, 4910 North Peoria, Tulsa, Oklahoma, was represented by Bill Robison, 7517 East Pine Street, Tulsa, Oklahoma. Mr. Robison explained that the existing structure is 60' wide by 20' deep. The proposed addition (to the south wall of the existing structure) will be 60' wide by 27' deep. The existing structure is built across a zoning line connecting an RS-3 zoned district and a CH zoned district. He presented a plot plan (Exhibit "N-1").

Protestants: None

Comments and Questions:

Mr. Gardner informed that prior to 1970, the Code allowed the Board to permit a structure to encroach 50' into an abutting R district from a C district.

Ms. Hubbard explained that in 1968, approval was granted to allow the existing building to cross into the R zoned district (previously U-1 zoning).

Mr. Clugston pointed out that the previous approval was for a storage facility. This is an entirely new use. Ms. Hubbard explained that the existing use has been in operation for several years.

Mr. Gardner informed that if the Board is supportive of the application, they can find that the change in the Zoning Code is the basis of a hardship. Mr. Clugston suggested that the change in the Zoning Code would have no affect on the request for a use variance.

Mr. Gardner informed that if the application is approved per plot plan, the applicant will be limited to that small extension which

Case No. 13473 (continued)

aligns with the existing buildings, and did not require a variance in 1968. This is different than a use variance for the whole residential tract.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to APPROVE a Special Exception (Section 710—Principal Uses Permitted in the Commercial Districts) to permit an existing machine shop and an addition in a CH zoned district; finding that the use has been in operation for several years, and does not violate the spirit and intent of the Code; and to APPROVE a Use Variance (Section 410—Principal Uses Permitted in the Residential Districts—Under the provisions of Use Unit 1225) to permit an existing machine shop and an addition in an RS-3 zoned district; pursuant to the approval made prior to the changing of the Zoning Code, which allowed an encroachment into the RS-3 zoned area; subject to the addition aligning with the existing building; per plot plan submitted; and to APPROVE a Special Exception (Section 250—Screening Wall or Fence Requirements) to modify the screening requirements; subject to screening being relocated to the north and west boundaries of the portion of the subject tract, which is zoned RS-3; and subject to no outside storage on the RS-3 portion; on the following described property:

Lots 1 and 2, Block 1, Clemshire Heights, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13474

Action Requested:

Variance—Section 930—Bulk and Area Requirements in the Industrial Districts—Use Unit 1216—Request a variance of the required setbacks from the centerline of the abutting streets to permit expansion of an existing service station in an IL zoned district, located at 3204 West 45th Street South.

Presentation:

The applicant, Texaco, Inc., P. O. Box 2420, Tulsa, Oklahoma, was represented by R. E. Burkman, 1437 South Boulder, Tulsa, Oklahoma. Mr. Burkman informed that the existing station on the site is a former Getty station, which is being renovated to conform to the Texaco System 2000. That renovation will include the addition of a car wash. However, the irregular shape of the lot inflicts a hardship, requiring a variance of the required setback from the centerlines of West 45th Street South and 33rd West Avenue. He submitted a plot plan (Exhibit "0-1") and explained that Texaco presented the property to the City Commission and was successful in their request that the City vacate 449 sq. ft. of the property in the corner of the lot. However, due to the irregular shape of the lot, there is no physical way to expand without seeking some relief. The proposed site plan is the most feasible plan, without causing problems with the traffic flow.

Case No. 13474 (continued)

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to APPROVE a Variance (Section 930—Bulk and Area Requirements in the Industrial Districts—Under the provisions of Use Unit 1216) of the required setback from the centerline of the abutting streets to permit expansion of an existing service station in an IL zoned district; finding that the irregular shape of the lot and the existing setbacks allow insufficient space for the structure; per plans submitted; on the following described property:

A tract of land that is partly in the North 150' of the SW/4 of the SW/4 of the NW/4, and partly in the NW/4 of the SW/4 of the NW/4 of Section 27, T-19-N, R-12-E of the Indian Base and Meridian, Tulsa County, Oklahoma, said tract being described by distance and Oklahoma State Plane Coordinate System Bearings as follows, to-wit: Beginning at a point on the Northerly line of said SW/4 of the SW/4 of the NW/4, said point being 50 feet Easterly of the Northwest corner thereof; thence Southerly parallel to the West line thereof for 80 feet; thence South 42°36'45" East for 53.93 feet; thence North 47°23'15" East for 260.20 feet; thence North 56°42'29" West for 76.52 feet; thence Southwesterly and Southerly along a curve to the left with a radius of 107.85 feet for 102.24 feet to a point on the Northerly line of said SW/4 of the SW/4 of the NW/4; thence Westerly along said Northerly line for 154.54 feet to the point of beginning, according to the United States survey thereof.

Case No. 13475

Action Requested:

Special Exception—Section 910—Principal Uses Permitted in the Industrial District—Use Unit 1214—Request an exception to allow a veterinary hospital in an IM zoned district; and a

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Request a variance of the frontage requirement and of the 100' setback from the centerline of 25th West Avenue to 50' to permit construction of a structure; and a

Variance—Section 1320(d)—Off-Street Parking and Off-Street Loading Requirements—Request a variance to permit off-site parking, located on the NW/c of Admiral Boulevard and 25th West Avenue.

Presentation:

The applicant, Bernard Hecht, 2526 West Edison, Tulsa, Oklahoma, submitted a plot plan (Exhibit "P-1") and explained that the subject tract is a triangular piece of property adjacent to the MK&T

Case No. 13475 (continued)

Railroad right-of-way. He stated that the plot plan reduced the variance requested from 100' to 65', rather than 50'. Due to the slope of the property, four retaining walls would be necessary, in order for on-site parking to be feasible. MK&T Railroad will lease a portion of their property for a parking lot (which abuts the subject tract), for an indefinite time period. Dr. Hecht has contracted to lease that space, subject to a condition stating that the lease can be terminated within 30 days after default. He submitted photographs of the subject tract and the existing buildings which encroach the setback from the centerline of 25th West Avenue (Exhibit "P-2"). Dr. Hecht submitted a copy of a letter dated August 30, 1983 (Exhibit "P-3"), from Robert R. Forth, City Engineering Director (retired), which stated, "Due to the physical conditions South of the Keystone Expressway the likelihood of 25th West Avenue being widened is very unlikely and the existing right-of-way does not meet even a collector street requirement. It is my opinion that 30' right-of-way either side of centerline is all that is necessary for 25th West Avenue South of the Keystone Expressway." A conceptual floor plan was also submitted (Exhibit "P-4"). Dr. Hecht informed that his existing facility is approximately four blocks from the subject tract, which will be a convenience to his clients.

Protestants: None

Comments and Questions:

Mr. Jackere asked if the Board could support a limitation of one building on the subject tract, informing that if Dr. Hecht should lose the MK&T lease, he will need to build the retaining walls and use the available space for parking. The Board had no objections to the suggestion.

In answer to a question by Chairman Smith, Dr. Hecht informed that all the kennels will be indoors, as required by the State.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to APPROVE a Special Exception (Section 910—Principal Uses Permitted in the Industrial Districts—Under the provisions of Use Unit 1214) to allow a veterinary hospital in an IM zoned district, finding that the special exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood; and to APPROVE a Variance (Section 730—Bulk and Area Requirements in the Commercial Districts) of the frontage requirement, and of the 100' setback from the centerline of 25th West Avenue to 65' to permit construction of a veterinary clinic, finding that the topography and size of the lot inflict an unnecessary hardship on the applicant; and to APPROVE a Variance (Section 1320—Off-Street Parking and Loading Requirements) to permit off-site parking, finding that the topography of the lot inflicts unnecessary hardship on the applicant; and subject to the

Case No. 13475 (continued)

applicant acquiring and maintaining a lease with MK&T Railroad for the parking lot adjacent to the subject tract (if lease is lost the applicant must provide parking on site); on the following described property:

A tract of land located in the SE/4 of the NW/4 of Section Three, T-19-N, R-12-E, of the Indian Base and Meridian, Tulsa County, Oklahoma, and being more particularly described as follows: Beginning at a point on the South property line of the MK&T Railroad, said point being North 233.4 feet from the SE/c of the NW/4 of said Section Three and S. 81°14' West 150.37 feet along the South line of MK&T Railroad property, running thence S. 20°47' W. 197.61 feet to the North right-of-way line of W. Admiral Blvd.; thence West 13.0 feet along said North right-of-way line; thence N. 0°16' E. 172.13 feet to the South line of said Railroad property, thence N. 81°14' E. 83.3 feet along said south Railroad property line to the point of beginning, containing 0.189 acres, more or less.

AND, 10,00 square feet of MK&T Railroad property immediately adjoining the north line of said property as described above and adjoining 25th West Avenue on the East, with the MK&T property being 50 feet by 200 feet.

Case No. 13476

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1209—Request an exception to allow a manufactured 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 time limitation to allow a manufactured home permanently; and a

Variance—Section 208—One Single Family Dwelling per Lot of Record—Request a variance to allow 2 dwelling units per lot of record for a period of 4 months, located at 4735 South 23rd West Avenue.

Presentation:

The applicant, Lonnie McNeill, 4735 South 23rd West Avenue, was represented by Larry McNeill, 606 South 123rd East Avenue, Tulsa, Oklahoma. Mr. McNeill submitted a plot plan (Exhibit "Q-1") and explained that the existing home on the subject tract will be removed after the manufactured home is installed. Approval of the request to allow two dwelling units for four months will allow sufficient time for his parents to move into the new home, then remove the existing structure. He submitted pictures of the manufactured home (Exhibit "Q-2") and a brochure of the floor plan (Exhibit "Q-3"). The property is 165' wide x 264' deep (one acre). He stated that the Cameo Energy home is energy efficient, and has

Case No. 13476 (continued)

full 2 x 6 exterior wall construction (studs 16" on center). The roof is 3/12 pitch, with bonded truss roof rafters and 7/16" roof sheathing. The home will be mounted on a permanent foundation, and surpasses the quality of the surrounding homes in the area. The manufactured home will be a permanent residence for his parents.

Protestants: None

Comments:

Mr. Gardner noted that manufactured homes with pitched roofs are the same character as many single family residences, and are becoming acceptable in many residential areas. The manufactured home can be made to look permanent, and is made of construction materials which are comparable to those used in other homes in this area.

Mr. Smith asked Mr. McNeill about the sewer, and Mr. McNeill stated that he plans to petition to be allowed to use the sewage system that services Hale Haven Addition, which is parallel to the subject tract.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, 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 manufactured home in an RS-3 zoned district, finding that the appearance of the home is residential in character, with conventional building materials, and it does not violate the spirit and intent of the Code or the Comprehensive Plan; and to APPROVE a Variance (Section 440.6—Special Exception Uses in Residential Districts, requirements) of the time limitation to allow a manufactured home permanently, subject to the home being attached permanently to the site and being made permanent in appearance; and to APPROVE a Variance (Section 208—One Single Family Dwelling per Lot of Record) to allow two dwelling units per lot of record for a period of four months, so that the applicant has sufficient time to move into the new residence and remove the existing structure; per plot plan submitted; on the following described property:

Beginning at the SW/c of the S/2, SE/4, NW/4, SE/4 of Section 27, T-19-N, R-12-E, thence east 264 feet, north 165 feet, west 264 feet, south 165 feet to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

Case No. 10999

Action Requested:

Review of revised site plan.

Case No. 10999 (continued)

Presentation:

The applicant, Greg Newton, 4125 South 68th East Avenue, submitted a revised site plan (Exhibit "R-1") and explained that they are proposing to build an additional bay. He described the exterior of the addition, and submitted a drawing depicting the materials to be used (Exhibit "R-2"). The car wash use was approved in May, 1980, and this addition will be to the east of the existing facility.

Interested Parties:

Charles Gish, 1414 South 193rd East Avenue, Jenks, Oklahoma, explained that the car wash is in operation 24 hours a day. It is a brushless, automatic washer, which is virtually silent. It sprays about 74 gallons of water over a three and one half minute period. The only mechanical part is an arm that moves the spray around the car.

Comments and Questions:

Mr. Gardner pointed out that one of the conditions of the 1980 approval was that the car wash not be operated after 10:00 p.m.

Mr. Jackere informed the Board that one of the criterion for reviewing revised site plans is establishing whether the change is a minor amendment, or whether it is significant enough to warrant readvertising. If the change is significant, (and in this instance it appears to be), the homeowners within 300' should be served proper notice. He suggested that this revised plan may fall under the latter category, and stated that he would be more comfortable if this item was readvertised for a public hearing.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to DETERMINE that the revised site plan (Case No. 10999) is a significant change and determined that the case should be readvertised for public hearing.

Case No. 13162

Action Requested:

Review of substitute site plan for Case No. 13162.

Presentation:

The applicant, James F. Mahoney, 3049 West 57th Street, Tulsa, Oklahoma, was present.

Protestants: None

Comments and Questions:

Mr. Gardner explained the original Board of Adjustment application approved a private street, which was to serve three lots. The TMAPC denied RS-3 zoning on the property (for duplex use), after protestants informed they did not want duplexes in the area. TMAPC

Case No. 13162 (continued)

approved the lot split (four lots), subject to the Board's approval, as to the variance. He is requesting that the variance granted for the private street for three lots, be applied to the lot split requested for four lots.

Mr. Jackere informed that the variance requested was to be allowed to have no frontage on a public street. The plan at that time showed only three lots, and the revised site plan shows four lots. The revised plan does not alter the nature of the earlier approval of the variance.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to APPROVE the substitute plot plan for Case No. 13162.

Case No. 11329

Action Requested:

Review of a substitute plot plan for Case No. 11329.

Presentation:

The applicant was not present.

Comments:

Ms. Hubbard informed that the applicant appeared in December for a request for a relief, and she did not have a record of the site plan. She stated that this review is not necessary and recommended that it be stricken from the agenda.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to STRIKE Case No. 11329 (item No. 26), from the agenda.

SPECIAL ITEMS:

Action Requested:

Adopting updated list of minor variances and special exceptions.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to ADOPT the updated list of minor variances and special exceptions.

Case No. 13273

Action Requested:

Review substitute plot plan for Case No. 13273.

Presentation:

The applicant, Royal Cleaners, Inc., was not represented.

Protestants: None

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to CONTINUE item 28 (Case No. 13273) until March 7, 1985.

There being no further business, the meeting was adjourned at 4:35 p.m.

Date Approved _____

3-7-85


Chairman

