

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 435  
Thursday, March 21, 1985, 1:00 p.m.  
City Commission Room, Plaza Level  
Tulsa Civic Center

**MEMBERS PRESENT**

Chappelle  
Clugston  
Purser, out at 4:20  
Smith,  
    Chairman  
Victor

**STAFF PRESENT**

Baker  
Jones  
Phillips

**OTHERS PRESENT**

Jackere, Legal  
    Department  
Hubbard, Protective  
    Inspections  
Noe, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, March 19, 1985, at 10:05 a.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On MOTION of 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 March 7, 1985.

**UNFINISHED BUSINESS:**

**Case No. 13471**

**Action Requested:**

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

Variance—Section 440.7—Special Exception Uses in Residential Districts, Requirements—Request a variance of the floor area ratio from 50 percent to 96 percent; and a

Variance—Section 1205.4—Off-Street Parking and Loading Requirements—Request a variance of the required 75 parking spaces to 44, located on the SE/c of 22nd Street and Memorial.

**Presentation:**

The applicant, Ina F. Reese, 1100 South Lynn Riggs, Claremore, Oklahoma, was represented by Clifford Curry, AIA, 471 High SE, Salem, Oregon. Mr. Curry informed that the Case was continued from February 21, 1985 to allow time for the applicant and the zoning officer to review the plans and advertise for additional relief. The additional relief advertised is the variances of floor area ratio and off-street parking requirements.

Case No. 13471 (continued)

Mr. Curry informed the plans (Exhibit L-2, from 2/21/85 meeting) call for 92 suites for a care home for the elderly. There would be no kitchens and ten percent of the residents would be couples. It would be above the Fire Code Protection requirements and there would be a minimum number of suites looking into the neighboring area. The housing project would staff about six full time employees and nine or ten part time employees. The staff would only need about five parking spaces and only about 10% of the residents would have visitors which would have cars each day. He said he took his information from 18 other nursing home case studies.

Protestants:

Roy Hinkle represented Joe Hamra, a property owner, who wants to improve his property in the future and was concerned with the drainage problem that may be created with the construction of this project. He also mentioned 22nd Street is a dirt road and with the increased traffic it should be paved. Mary Waska, 2237 South 82nd East Avenue, said Mrs. Reese told her at first that the project would be one story in height and now she hears it will be three stories high. She was also concerned that there was no left turn onto Memorial and the traffic would have to go to 82nd East Avenue since it is the only street that goes through from 22nd to 23rd. Ms. Waksa was also concerned about the drainage problem.

Interested Parties:

Josephine Chastain, 6312 South Utica, representing the church at the foot of the hill from the project, stated the church has no objection to this project being built there and she thought it would be an enhancement to the area.

Comments and Questions:

Mr. Victor told Mr. Curry he was not convinced that he had a hardship. The parking was still a problem as a lot of people over the age of 80 still drive cars. To determine what a hardship is, it has to be other than economic. The Board has granted relief before where there is room for parking expansion, but in this case there is none.

Mr. Curry stated the people in the retirement project will be people who have trouble driving and they will encourage them to give up their cars and they will have buses available for them to ride.

Mr. Curry stated they will do what must be done, per the Building Inspector, for the drainage problem. Mr. Smith notified him that it was the builders responsibility to pay for the improvements to 22nd Street if they plan to use 22nd Street as their access in and out of the project.

Mr. Clugston stated that the retirement home would be good for the neighborhood and more appropriate than apartments, but still no hardship is demonstrated.

**Case No. 13471 (continued)**

There was some discussion regarding Use Unit 5, a convalescent home versus a retirement home.

**Board Action:**

On MOTION of PURSER and SECOND by CLUGSTON, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; to **APPROVE** the **Special Exception** (Section 410—Principal uses Permitted in the Residential District—Use Unit 1205) to permit a retirement center in an RM-1 zoned district; and to **DENY** the **Variance** (Section 440.7—Special Exception Uses in Residential Districts Requirements) of the floor area ratio from 50% to 96%; and **DENY** the **Variance** (Section 1205.4—Off-Street Parking and Loading Requirements) of the required 75 parking spaces to 44; on the following described property:

Lot 1, Block 1, O'Connor Park Third Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

**MINOR VARIANCES AND EXCEPTIONS:**

**Case No. 13489**

**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 required 60' lot width to 50' and 30' to allow a lot split in an RS-3 zoned district, located south of the SW corner of 48th Street and 25th West Avenue.

**Presentation:**

Dave Blankenship, 6761 South 71st East Avenue, informed the Board that the lot split had been approved by the TMAPC. It was stated that the hardship is the property can meet the Bulk and Area requirements of the Code, but cannot utilize the property due to the configuration of the land and the size.

**Interested Parties:**

Joe Hoover, 4844 South 25th West Avenue, wanted to know how this would effect him. He asked if the road would be private or public. He also inquired if there was a sewer system or a septic tank.

**Applicant's Rebuttal:**

Mr. Blankenship informed there would be a private road and the property was on a septic tank at this time, but that there was a sewer available on the north side of the property and on the west side of the property. At this time he has no plans for the property.

**Board Action:**

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"); to **APPROVE** the Variance (Section 430.1—Bulk and Area Requirements in the RS, RD, and RM Districts—Use Unit 1206) of

**Case No. 13489 (continued)**

the required 60' lot width to 50' and 30' to allow a lot split in an RS-3 zoned district as approved by TMAPC; on the following described property:

A portion of the E/2, NE/4, SE/4 of the SW/4 of Section 27, T-19-N, R-12-E, City and County of Tulsa, more particularly described as follows: Beginning at a point 300' South of the NW corner of said E/2, NE/4, SE/4, SW/4, thence South 180', East 160', North 100', East 140', North 80' and West 300' to point of beginning.

**Case No. 13493**

**Action Requested:**

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts, Request a Variance of the 55 feet setback from the centerlines of 82nd Street and Richmond Avenue to 54 feet and 46 feet respectively, to allow an existing dwelling in an RS-2 zoned district, located at the SE corner of 82nd Street and Richmond.

**Presentation:**

Robert Keltey, 8203 South Richmond, stated that he lives in the ten year old structure and it is located on an irregular, corner lot and he needs the variance to clear title (Exhibit A-1).

**Protestants:**

None.

**Comments:**

None.

**Board Action:**

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to **APPROVE** a **Variance** (Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts) requesting a variance of the 55 feet setback from the centerlines of 82nd Street and Richmond Avenue to 54 feet and 46 feet respectively, to allow an existing dwelling in an RS-2 zoned district per plat of survey; on the following described property:

Lot 3, Block 5, Brookwood Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 13494**

**Action Requested:**

Variance--Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Use Unit 1206--Request a Variance of the lot area from 13,500 square feet to 12,800 square feet to allow a lot split in an RS-1 zoned district, located at the NE corner of 27th Street and Birmingham Place.

**Case No. 13494 (continued)**

**Presentation:**

Steve Schuller, Suite 300, 610 South Main, Tulsa, Oklahoma, represented the owner of the property. The two existing lots were incorrectly split by the surveyor at one time and they are requesting this variance to correct this error.

**Protestants:**

None.

**Comments:**

None.

**Board Action:**

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 4-0-1 (Chappelle, Clugston, Purser, Victor, "aye"; no "nays"; Smith, "abstaining") to **APPROVE** the **Variance** (Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Use Unit 1206) of the lot area from 13,500 square feet to 12,800 square feet to allow a lot split in an RS-1 zoned district as approved by TMAPC; on the following described property:

Part of Lot 3, Block 4, Woody-Crest Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 13495**

**Action Requested:**

Variance--Section 330--Bulk and Area Requirements in the Agriculture Districts--Use Unit 1206--Request a Variance of the lot width from 200 feet to 135 feet and of the lot area from 2 acres to 1.21 acres all to permit a lot split in an AG zoned district, located at the NE corner of Edison and 73rd West Avenue.

**Presentation:**

Bernard Hecht, 2526 West Edison, Tulsa, Oklahoma, requested a lot split to avoid District Court action to acquire an easement.

**Protestants:**

None.

**Comments:**

None.

**Board Action:**

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to **APPROVE** the **Variance** (Section 330--Bulk and Area Requirements in the Agriculture Districts--Use Unit 1206) of the lot width from 200 feet to 135 feet and of the lot area from 2 acres to 1.21 acres all to permit a lot split in an AG zoned district as approved by TMAPC; on the following described property:

Lot 4, Section 4, T-20-N, R-12-E, City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 13498**

**Action Requested:**

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Use Unit 1206—Request a variance of the lot width from 100' to 90' to allow a lot split in an RS-1 zoned district, located at the SE corner of Atlanta Place and 34th Street.

**Presentation:**

Steven Smith, 1201 Fourth National Bank Building, informed the Board that a lot split had already been approved by the TMAPC.

**Comments and Questions:**

The Board discussed the survey, showing the lot was irregular in shape, but stated it was compatible with other lots in the area.

**Protestants:**

None.

**Board Action:**

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to **APPROVE** a **Variance** (Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Use Unit 1206) of the lot width from 100' to 90' to allow a lot split in an RS-1 zoned district as approved by TMAPC; on the following described property:

Part of Lot 1, Block 6, Oakview Estates, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

**NEW APPLICATIONS**

**Case No. 13477**

**Action Requested:**

Special Exception—Section 910—Principal Uses Permitted in the Industrial Districts—Request an exception to allow Use Unit 14 "Shopping Goods and Services" in an IL zoned district, located at the SE corner of Sheridan and 44th Street.

**Presentation:**

Joe Becker, 5248 South Marion, Tulsa, Oklahoma, submitted a photograph (Exhibit B-1) of his store which he wants to remodel to allow a retail business to sell diving equipment.

**Protestants:**

None.

**Comments and Questions:**

None.

**Board Action:**

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 5-0-0  
3.21.85:435(6)

**Case No. 13477 (continued)**

(Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to APPROVE a **Special Exception** (Section 910—Principal Uses Permitted in the Industrial Districts) to allow Use Unit 14 "Shopping Goods and Services" in an IL zoned district; on the following described property:

Part of Lots 1 through 7, Block 1, Katy Freeway Industrial Park, City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 13478**

**Action Requested:**

Special Exception—Section 420—Accessory Uses in Residential Districts—Use Unit 1206—Request an Exception for a Home Occupation to allow a CPA office in an RM-2 zoned district, located at the SW corner of 16th Street and Quincy.

Variance—Section 440.2—Special Exception Uses in Residential Districts, Requirements—Request a Variance to allow a sign to be attached to the house.

**Presentation:**

Jake Wright, 1604 South Quincy, Tulsa, Oklahoma, applicant, requested a continuance.

**Protestants:**

Lee Price, 1719 South Peoria, Tulsa, Oklahoma, President of the Swan Lake Home Owners Association, protested the continuance.

**Board Action:**

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-1 (Chappelle, Smith, Victor, "aye"; no "nays"; Clugston, "abstaining") to CONTINUE the case until April 18, 1985.

**Case No. 13481**

**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 85' setback from the centerline of Sheridan to 64' to permit an addition to an existing dwelling, of the 50' setback from the centerline of Marshall Place to 42' to permit a carport and of the 20' rear yard setback to 10' to allow an attached garage, all in an RS-3 zoned district.

**Presentation:**

Ray Dixon, 214 North Woodard, Bartlesville, Oklahoma, submitted plot plans (Exhibit C-1) for a carport and described the plans to the Board.

Case No. 13481 (continued)

Comments and Questions:

Purser questioned if there was a hardship for this variance and asked if there were any other carports in the area. Mr. Dixon stated that there was one across the street on the front of the house.

Protestants:

None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to APPROVE the Variance (Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Use Unit 1206) from 85' to 64' to permit a room addition, but DENIED the variances of the 50' setback from the centerline of Marshall Place to 42' to permit a carport and of the 20' rear yard setback to 10' to allow an attached garage, all in an RS-3 zoned district; on the following described property.

Lot 36, Block 11, Maplewood Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13482

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 Xanthus to 26' to permit an existing carport, located at the NE corner of Xanthus and 12th Place.

Presentation:

L.D. Lewis, builder for Hanna Remodeling, 6822 South Toledo, #442, Tulsa, Oklahoma, submitted a picture of the structure (Exhibit D-1). Mr. Lewis stated that the construction was already in progress when the building inspector came to the site. Mr. Lewis stated that the building inspector allowed them to go ahead and put the roof on, at my risk, pending the BOA hearing.

Mr. Lewis stated his hardship was that the supports for the carport extended over the setback line and there was a pre-existing driveway.

Comments and Questions:

The Board could not see there was any hardship proven and Clugston reprimanded the builder's company for building without a proper permit.

Protestants:

None.

Board Action:

On MOTION of CLUGSTON and SECOND by PURSER, the Board voted 5-0-0



**Case No. 13482 (continued)**

(Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to DENY the request for a **Variance** (Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Use Unit 1206) of the 50' setback from the centerline of Xanthus to 26' to permit an existing carport; on the following described property:

Lot 7, Block 3, Regina Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 13483**

**Action Requested:**

Special Exception—Section 420—Accessory Uses in Residential Districts—Use Unit 1206—Request an Exception for a Home Occupation to allow an existing auto mechanic garage in an RM-2 zoned district, located west of the SW corner of Newton Street and Lewis.

**Presentation:**

Homer Blair, 2150 East Newton Street, Tulsa, Oklahoma, was cited by the Code Enforcement office for having a business in his home without permission from the Board and he is now asking for permission.

**Comments and Questions:**

Mr. Blair previously stated that he was a licensed car dealer and sometimes employed people who were out of work to help him repair cars. He also stated he had a tree service from his home. Mr. Clugston stated the above facts were irrelevant to this case where Mr. Blair is asking for a Home Occupation, although he was in violation of the Home Occupation regulations.

Diane Noe of Code Enforcement submitted pictures showing why they had issued a citation to Mr. Blair for parking automobiles on an improper surface.

**Protestants:**

None.

**Interested Parties:**

Teresa Chandler, 2150 East Newton Street, stated the Coca-Cola Bottling Company generates a lot of traffic in the area. Ruth Givens, 5505 South Madison, said Mr. Blair was well thought of and furnishes work for people when they are out of work.

**Additional Comments:**

The Board had further discussion and comments concerning the number of cars parked on the property and again, Victor reminded the Board to act only on the Home Occupation request.

**Board Action:**

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 4-1-0 (Clugston, Purser, Smith, Victor, "aye"; Chappelle, "nay"; no "abstentions") to APPROVE a **Special Exception** (Section 420—Accessory Uses in Residential Districts—Use Unit 1206) for a Home Occupation to allow an existing auto mechanic garage in an RM-2

**Case No. 13483 (continued)**

zoned district, provided Mr. Blair abides by the Rules and Regulations set forth in the Zoning Code on Home Occupations and with the stipulation that all his mechanic work be done on the inside of the garage and all cars there to be worked on shall be enclosed in the garage with no outside storage of these automobiles; on the following described property:

Part of the NW/4, SE/4, NE/4 of Section 31, Township 20 North, Range 13 East, City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 13484**

**Action Requested:**

Variance—Section 220(c)—Height Exceptions—Use Unit 1211—Request a Variance of the 60' maximum structure height to 140' to permit a radio tower, located west of the SW corner of 29th Street and Yale.

**Presentation:**

Alan Jackere, legal counsel for the City Board of Adjustment, advised that this case does not have to come before this Board since the property is zoned CH, Commercial High Intensity, and there are no height restrictions in a CH district. Legal counsel advised this case should be withdrawn.

**Protestants:**

Andrew Anderson, 4551 East 29th Street, stated this property was not zoned properly. The Board advised him they did not zone property at this meeting, they only made exceptions, etc. Mr. Anderson mentioned a previous case #10466 which specifies the west 25' of this property is zoned for parking. The Board advised that this is not a matter for the Board, but possibly for the Planning Commission.

**Board Action:**

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to WITHDRAW Case No. 13484 and refund the applicant \$25.00.

**Case No. 13485**

**Action Requested:**

Variance—Section 620.2(d)—Accessory Use Conditions—Use Unit 1211—Request a Variance of the 32 square feet of surface area to 155 square feet to permit a free-standing office sign in an OM zoned district, located at the NW corner of Yorktown and 71st Street.

**Presentation:**

Ken Van Treece, President of Wood Concepts, 2640 North Darlington, stated the 32 square feet of display area for the identification sign on this property is too restrictive and he requests 155 square feet for the sign as an architectural development of the property.

Case No. 13485 (continued)

Comments and Questions:

There was discussion that the lot size is very large and the design of this sign would be in harmony with the architecture in the area.

Protestants:

None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-1-0 (Chappelle, Purser, Smith, Victor, "aye"; Clugston, "nay"; no "abstentions") to APPROVE for Variance (Section 620.2(d)—Accessory Use Conditions—Use Unit 1211) of the 32 square feet of surface area to 155 square feet to permit a free standing office sign in an OM zoned district; on the following described property:

Part of Lot 1, Block 1, Yorktown 71, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13486

Action Requested:

Special Exception—Section 420—Accessory Uses in Residential Districts—Use Unit 1206—Request an Exception to allow a Home Occupation for a mowing company in an RS-3 zoned district, located south of the SW corner of 11th Street and Richmond.

Variance—Section 440—Special Exception Uses in Residential Districts Requirements—Request a Variance to permit open air storage of equipment in the rear yard.

Presentation:

Jim Baker, 1128 South Richmond, Tulsa, Oklahoma, submitted pictures (Exhibit E-1), and a letter (Exhibit E-2), from Public Service of Oklahoma stating he has permission from them to store their trucks. Mr. Baker withdrew the request for a Home Occupation, but still wanted approval for the variance to store his tractor equipment at his home. He stated that his business would be for four months out of the year and his off-season was the wintertime when he would need to park the tractor. Mr. Baker informed the Board that he had employees that usually came to his home to pick up trucks, but if he operates from a sub-station there would be no need for the employees to come to his home.

Protestants:

Pam Rodriguez, 1127 South Quebec, stated that she feels the storage of the equipment will cause her property to depreciate.

Margaret Wickersham, 1147 South Quebec, said she objects to a business being in the neighborhood.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted to DENY

**Case No. 13486 (continued)**

the **Variance** (Section 440—Special Exception Uses in Residential Districts Requirements) to permit open air storage of equipment in the rear yard; on the following described property:

Lot 18, Block 2, Beverly Hill Addition to the City of  
Tulsa, Tulsa County, State of Oklahoma.

**Case No. 13487**

**Action Requested:**

Special Exception—Section 910—Principal Uses Permitted in the Industrial Districts—Request an Exception to allow Use Unit 14 "Shopping Goods and Services" in an IL zoned district, located south of the SE corner of 46th Street and Memorial.

**Presentation:**

Jack Wendish, 5314 South Yale, Suite 200, Tulsa, Oklahoma stated his client has recently purchased the old Jones Truck Lines Trucking Terminal and has a contract with Chrysler Realty Corporation on the north 300' of the tract where there will be a Chrysler/Dodge dealership. On the balance of the tract they are requesting this special exception so Name Brand Clothing can conduct retail sales out of that building. The building will be used for sales, warehouse, and offices. The construction of the building is similar to Shannon Park located at 51st and Mingo. The site is located north of the present Name Brand Clothing store.

**Comments and Questions:**

None.

**Protestants:**

None.

**Board Action:**

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to **APPROVE** a **Special Exception** (Section 910—Principal Uses Permitted in the Industrial Districts) to allow Use Unit 14 "Shopping Goods and Services" in an IL zoned district, as the use requested is in harmony with uses along Memorial and the area and within the spirit and intent of the code; on the following described property:

Part of Lot 1, Block 1, Jones Trucking Center, City of  
Tulsa, Tulsa County, State of Oklahoma.

**Case No. 13488**

**Action Requested:**

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1205—Request an Exception to allow a Day Care Center in an RS-3 zoned district, located west of the NW corner of West 49th Place and Waco.

Case No. 13488 (continued)

Presentation:

Hazel Howard, 7901 South 89th West Avenue, requested permission to have a day care center in a residential district. The hours would be from 6:30 a.m. until 6:00 p.m. There would be two full-time employees and one part-time employee. The ages of the children coming to the center would be 5 years to 8 years. To be licensed, the state requires a day care center to have certain programs for the children. Ms. Howard stated there were churches on each end of the street that have their "Mother's Day Out" program which is a type of day care program.

Comments and Questions:

None.

Protestants:

Jim Doss, 1946 West 49th Place, submitted a petition with 27 signatures stating they objected to the increased traffic that would be generated if the day care center would be allowed. He stated that realtors had told him that the value of their property would also depreciate.

Robert E. Cobb, 1929 West 49th Place, stated that he protested the day care center being allowed in his neighborhood.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to DENY a Special Exception (Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1205) to allow a Day Care Center in an RS-3 zoned district; on the following described property:

Lot 12, Block 15, Hill Haven Second Addition to the  
City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13490

Action Requested:

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1209—Request an Exception to permit an existing mobile home in an RS-3 zoned district, located at the NW corner of Queen and Maplewood.

Variance—Section 440.6—Special Exception Uses in Residential Districts—Requirements—Request a Variance of the one year time limitation for a mobile home.

Presentation:

Robert Harrell, 5601 East Xyler, requested a Special Exception for his mobile home to remain in an RS-3 district and a Variance of the one year time limitation for a mobile home. He had been before the Board a year ago and they approved the exception at that time.

Comments and Questions:

There was some discussion pertaining to what the hardship is for this Variance request. Ricky Jones stated that this is the only lot that has requested the Board's exception to have a mobile home in an RS-3 zoned district and the fact that he has to come back each year for permission to have it there is a hardship on the applicant.

Protestants:

None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 4120—Principal Uses Permitted in the Residential Districts—Use Unit 1209) to permit an existing mobile home in an RS-3 zoned district; and to APPROVE a Variance (Section 440.6—Special Exception Uses in Residential Districts) of the one year time limitation for a mobile home; on the following described property:

Lot 6, Block 4, South Dawson Addition to the City of Tulsa,  
Tulsa County, State of Oklahoma.

Case No. 13491

Action Requested:

Variance—Section 430.1—Bulk and Area Requirements in the RS, RD and RM Districts—Use Unit 1207—Request a Variance of the lot width from 60' to 47', of the side yard from 5' to 0' and of the lot area from 6,900 square feet to 4,700 square feet. All permit a lot split of existing duplexes in an RS-3 zoned district, located at the NE corner and SE corner of 59th Street and 82nd East Avenue.

Presentation:

Wayne Hood, 6529 South 110th East Avenue, submitted an amended plat (Exhibit F-1) for the Board's viewing. He stated he owns ten luxury duplexes, but they have not turned out to be feasible as a rental project because it does not generate enough income to pay the mortgages. He would like to split the lots and sell them as individual single-family residences. Each duplex has individual utility hook-ups. Mr. Hood said he thought having individual home owners in each duplex would be an enhancement for the neighborhood and stop the continual rollover of tenants.

Comments and Questions:

There are ten lots to be split. Ricky Jones asked if Mr. Hood had talked with Murrel Wilmoth regarding lot splits vs. an amended plat. Mr. Hood has visited with Mr. Wilmoth and they decided to go with an amended plat.

Mr. Hood will have to go before the TMAPC and file a new resubdivision on the property and the case will have to be heard by

**Case no. 13491 (continued)**

the Technical Advisory Committee and the City Commission. Mr. Jones stated that four or more lot splits constitutes a subdivision. Mr. Hood informed that he is already on the agenda for the Planning Commission meeting.

**Protestants:**

None.

**Board Action:**

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser "absent") to **APPROVE** a **Variance** (Section 430.1--Bulk and Area Requirements in the RS, RD and RM Districts--Use Unit 1207) of the lot width from 60' to 47', of the side yard from 5' to 0' and of the lot area from 6,900 square feet to 4,700 square feet. All to permit splitting existing duplexes in an RS-3 zoned district, subject to TMAPC approval of an amended subdivision plat of the area; on the following described property:

Lots 1, 2 and 3, Block 1, and Lots 1 through 7, Block 2,  
Woodland View Park South Addition to the City of Tulsa, Tulsa  
County, State of Oklahoma.

**Case No. 13492**

**Action Requested:**

Special Exception--Section 410--Principal Uses Permitted in the residential Districts--Use Unit 1211--Request an Exception to allow office use in an RM-2 zoned district, located at the NE corner of 51st Street and Columbia Place.

**Presentation:**

Roy Johnson, representing Reppe Development Company, requested a special exception for OM use in an RM-2 zoned district. Mr. Johnson informed the property is abutted on the north by I-44 (Skelly Bypass) and on the south across 51st Street by OM zoning. In this area there is an existing OM pattern with many offices in the vicinity. Mr. Johnson submitted a Site Plan for the Board's viewing (Exhibit G-1).

**Comments and Questions:**

None.

**Protestants:**

None.

**Board Action:**

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Special Exception** (Section 410--Principal Uses Permitted in the Residential Districts--Use Unit 1211) to allow office use in an RM-2 zoned district; on the following described property:

Case No. 13492 (continued)

Part of Lot 11, Block 3, Villa Grove Addition to the  
City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13496

Action Requested:

Special Exception--Section 420--Accessory Uses in Residential Districts--Use Unit 1206--requesting an exception for a home occupation to allow a one car mechanics garage in an RS-3 zoned district, located at the NE corner of Delaware Avenue and Seminole.

Presentation:

E.B. Hastings, 1801 North Delaware, has been doing auto mechanic work for five months (has lived in the house for 30 years) at this address. He has no outside storage of automobiles.

The Code Enforcement Department submitted pictures of the property in question for the Board's viewing (Exhibit H-1).

Protestants:

Delores Kramer, 1646 North Delaware, submitted petitions (Exhibit H-2) from the neighbors requesting Mr. Hastings comply with their requests. One petition was against his request (Exhibit H-3).

Betty Hess, 1815 North Delaware, stated that she did not object to Mr. Hastings having a mechanics garage at his home, but she just wanted him to keep it clean.

Leon French, 1829 North Delaware, said he had a similar situation 20 years ago where this type of thing was allowed and his property depreciated and today this property is a wrecking yard. He does not want this to happen again to his property.

Bernard Kramer, 1646 North Delaware, stated he would ask that Mr. Hastings keep the property clean.

Comments and Questions:

Mr. Smith read the petition presented to the Board from the neighbors to Mr. Hastings. It requested that Mr. Hastings only have two automobiles at his home at one time. His working hours will be 8:30 a.m. to 5:00 p.m. with no night work allowed.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 420--Accessory Uses in Residential Districts--Use Unit 1206) for a home occupation to allow a one car mechanics garage in an RS-3 zoned district, per the neighbors restrictions and conditions, a. only two automobiles to be worked on at one time; b. working hours will be from 8:30 a.m. to 5:00 p.m. with no night work



Case No. 13496 (continued)

allowed; and c. keep the yard area clean; and the rules and regulations of the Home Occupation Code; on the following described property:

The South 80' of Lot 1, Block 13, Martin Second Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13497

Action Requested:

Variance—Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1213—Request a Variance of the 100' setback from the centerline of Lewis to 80' to permit an addition to an existing structure in a CS zoned district, located at the NW corner of 21st Street and Lewis.

Presentation:

Craig Bothwell, representative for Ken's Pizza, 4441 South 72nd East Avenue, requested a variance for the setback from the centerline of Lewis to allow Ken's Pizza to add additional items to their menu. Mr. Bothwell submitted Plot Plans (Exhibit I-1) to the Board for viewing.

Comments and Questions:

The Board advised that Mr. Bothwell's request was an economic hardship, but found that, due to the location for the addition per the plot plans submitted, this is the only place they can build without losing any parking area. There will be no seating changes.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; No "abstentions"; Purser, "absent") to APPROVE a **Variance** (Section 730—Bulk and Area Requirements in the Commercial Districts—Use Unit 1213) of the 100' setback from the centerline of Lewis to 80' to permit an addition to an existing structure in a CS zoned district, per the plot plan; on the following described property:

Part of Lot 18, and all of Lots 19 and 20, Block 11, Woodward Park Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13499

Action Requested:

Special Exception—Section 420—Accessory Use in Residential Districts—Use Unit 1206—Request an Exception for a home occupation to allow dog grooming, no boarding, in an RS-3 zoned district, located north of the NW corner of Admiral Place and Louisville.

Presentation:

Delores Sorensen, 20 North Louisville, submitted a plot plan (Exhibit J-1) for a small addition to her home. She advised she would have an average of 5 dogs daily with no boarding of dogs. The dogs will be kept in cages and her working hours would be from 7:30 a.m. to 6:00 p.m.

Protestants:

Gene Segel, Attorney, 500 West 7th, representing Jack Holloway, submitted an affidavit stating his objections. He is also representing several other neighbors, Brad Tidmore, Ken Holloway, Mrs. Holloway, and the Horners, who are all property owners in the area who object to the proposal.

Mr. Segel also advised his client has a warranty deed stating he owns the south 26 feet of Lot 7 on which Ms. Sorensen is asking for a special exception. Ricky Jones, INCOG Staff, said this may be an advertising problem.

Ken Holloway stated he did not want a business in this residential area and submitted a letter (Exhibit J-2) from a neighbor who was unable to be at the hearing.

Stanley Craig, 41 Louisville, objected to having a business in the neighborhood.

Ester Sturum, 49 North Louisville, stated she objected to having a business in the neighborhood.

Comments and Questions:

Ricky Jones advised that there may be a problem with the legal description being incorrectly advertised, it should have read Lot 6 and Lot 7 of Block 1, and not just Lot 7 of Block 1.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-1-0—(Chappelle, Smith, Victor, "aye"; Clugston, "nay"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 420—Accessory Use in Residential Districts—Use Unit 1206) for a home occupation to allow dog grooming, no boarding, in an RS-3 zoned district; on the following described property:

3.21.85:435(18)

**Case No. 13499 (continued)**

Lot 7, Block 1, Lamb Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 13500**

**Action Requested:**

Special Exception—Section 410—Principal Uses Permitted in the Residential Districts—Use Unit 1205—requesting an Exception to allow a group home for the mildly, mentally handicapped in an RM-3 zoned district, located north of the NE corner of Carson and 17th Place.

**Presentation:**

The applicant requested a continuance until April 4, 1985, to allow him to readvertise the request.

**Protestants:**

Mike Freeman, 1612 South Cincinnati, protested the continuance stating he has another commitment on that date. He suggested continuing the case until April 18, 1985, so he could be at the hearing.

**Comments and Questions:**

Ricky Jones, INCOG Staff, advised this case had been readvertised per the applicant's request, and the date it was readvertised for was the 4th of April. If the Protestants would like to ask for a continuance on that date, they have the right to do so.

**Board Action:**

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to CONTINUE Case #13500 until April 4, 1985.

**Case No. 13501**

**Action Requested:**

Special Exception—Section 420—Accessory Uses in a Residential District—Use Unit 1206—Request an Exception for a home occupation to allow a landscaping office in an RS-2 zoned district, located north of 55th Street and Kingston.

**Presentation:**

Applicant, Virgil Johnson, requested this case be withdrawn.

**Protestants:**

None.

**Case No. 13501 (continued)**

**Board Action:**

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions") to WITHDRAW Case No. 13501 and refund the applicant \$25.00.

**Case No. 13502**

**Action Requested:**

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Request an Exception to permit Use Unit 17, Automotive and Allied Activities, in a CS zoned district, located at the SE corner of 32nd Street and Yale.

**Presentation:**

Jack Cox, 7935 East 57th Street, representing Clyde Direct Sales Tire Company of Denver, Colorado, submitted a Plot Plan (Exhibit K-1) to the Board for viewing. The location is an abandoned, used car lot and his company plans to put a tire store there. Al Orland, with direct sales, submitted pictures (Exhibit K-2) showing the design of the inside of the store.

**Comments and Questions:**

None.

**Protestants:**

None.

**Board Action:**

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 710—Principal Uses Permitted in the Commercial Districts) to permit Use Unit 17, Automotive and Allied Activities, in a CS zoned district, per plans submitted; on the following described property:

Part of the NW/4 of the NW/4 of Section <sup>22</sup>~~21~~, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 13503**

**Action Requested:**

Special Exception—Section 710—Principal Uses Permitted in the Commercial Districts—Request an Exception to allow Use Unit 17, Automotive and Allied Activities, in a CS zoned district, located north of the NW corner of 61st Street and Peoria.

**Presentation:**

The applicant, Stan Johnson, requested the application be withdrawn.

**Comments and Questions:**

None.

**Protestants:**

None.

**Case No. 13503 (continued)**

**Board Action:**

On MOTION of VICTOR and SECOND by PURSER, the Board voted 5-0-0 (Chappelle, Clugston, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; to WITHDRAW Case No. 13503 with a refund of \$25.00.

**Case No. 13504**

**Action Requested:**

Special Exception—Section 420—Accessory Uses Permitted in the Residential Districts—Use Unit 1206—Request an Exception for a home occupation to allow a law office in an RS-3 zoned district, located at the SW corner of Admiral Court and Delaware.

**Presentation:**

Richard Ravits, 52 North Delaware, stated he resides in the house and his wife is his secretary. He submitted pictures (Exhibit L-1) to the Board for viewing.

**Comments and Questions:**

None.

**Protestants:**

None.

**Board Action:**

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

Lot 1, Block 1, Ozark Place Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 13505**

**Action Requested:**

Special Exception—Section 410—Principal Uses Permitted in Residential Districts—Use Unit 1209—Request an Exception to allow a double-wide mobile home on a foundation in an RS-3 zoned district, located north of the NE corner of 45th Street and Waco.

Variance—Section 440.6—Special Exception Uses in Residential Districts Requirements—Request a Variance of the one year time limitation for a mobile home to permanent.

**Presentation:**

Gayle Nobles, 4340 South Waco, stated she wants to put a double-wide mobile home on her property. She advised that her mother-in-law owns the four lots adjoining her lots. She plans to put the home on a permanent foundation and put skirting around it to make it look like a permanent structure.

**Case No. 13505 (continued)**

**Comments and Questions:**

Mr. Clugston stated he could agree with the special exception, but could not support the variance request. He thought they should check in a year to see the condition of the location.

**Protestants:**

None.

**Board Action:**

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** the **Special Exception** (Section 410--Principal Uses Permitted in Residential Districts--Use Unit 1209) to allow a double-wide mobile home on a foundation in an RS-3 zoned district; and to **DENY** a **Variance** (Section 440.6--Special Exception Uses in Residential Districts Requirements) of the one year time limitation for a mobile home to be permanent, but granting the mobile home to remain on the lot for one year with Removal Bond requirements subject to Health Department approval; on the following described property:

Lots <sup>18</sup>18 and <sup>19</sup>19, Block 2, Hilldale Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

**Case No. 13506**

**Action Requested:**

Special Exception--Section 910--Principal Uses Permitted in Industrial Districts--Use Unit 1219--Request an Exception to allow a youth recreation center in an IL zoned district, located west of the NW corner of 54th Street and Mingo.

**Presentation:**

Michael Payne, 3326 South 141st East Avenue, is a teacher and coach at Union High School. He advised the Board he intended to put in a recreation center for students primarily in the Union School Area. Video games, basketball goals, pool tables, etc., would be provided for teen-agers from 13 to 19 years of age. There would be a sales shop for students to buy T-shirts and other items with the school logo on them. The hours of operation would be Thursday through Saturday evenings until 11:00 p.m. and on Sunday from 1:00 p.m. to 6:00 p.m. There will be parent volunteer workers and a staff of adult supervisors. A security guard will be provided and trash will be picked up each morning. He has a three year lease on the property and feels this is a vital, positive need for the youth in this area.

**Protestants:**

None.

**Interested Parties:**

Bob Hale, 9716 East 51st Street, owns the property with other partners and stated he was concerned about the vandalism that might be generated with this type of center being put in at this location. Most of the businesses round the area close up at 5:00 or 6:00 in the evening and he felt that with a large group of young people

**Case No. 13506 (continued)**

congregating in this area there could be a problem of vandalism when they leave the center. He stated they would be glad to have this type of recreation center in their area if they could be assured there would be no vandalism.

**Comments and Questions:**

Victor stated he was also concerned with the vandalism that may go on after leaving the recreation center.

Clugston asked legal counsel if there is any recourse for a business owner if there is vandalism to their property.

Jackere informed that the Board has denied a similar case before for a party club for teen-agers similar to Ziggys.

**Board Action:**

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **CONTINUE** Case No. 13506 until the Board has had a chance to visit the site.

**OTHER BUSINESS:**

**Case No. 13396**

**Action Requested:**

Consider approval of site plan for case #13396, George Goswick - approved December 13, 1984.

**Presentation:**

The applicant, George Goswick, presented the site plan.

**Protestants:**

None.

**Board Action:**

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** the site plan for Case No. 13396.

**Case No. 10087**

**Action Requested:**

Approval of revised site plan - BOA #10087 - approved August 3, 1978 - Fellowship Lutheran Church.

**Presentation:**

Charles Chief Boyd, 502 South Main Mall, was present to represent Fellowship Lutheran Church.

**Protestants:**

None.

**Case No. 10087 (continued)**

**Comments and Questions:**

The site plans which were to be approved were not available at the hearing.

**Board Action:**

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 10087, putting it on top of the agenda for the April 4, 1985 meeting.

**Case No. 10335**

**Action Requested:**

Review of revised site plan - BOA #10335 - approved February 15, 1979 - Literacy and Evangelism.

**Presentation:**

Charles Chief Boyd, 502 South Main Mall, informed the Board this facility teaches others to go out and teach others to read and write. The applicant submitted a petition (Exhibit M-1) listing names of protesters to the Board.

Mr. Boyd advised the Board that the facility was designed to meet the RM-1 zoning requirements. They filed for a building permit and went to the building inspector to get permission to begin construction "at their own risk" due to the fact that their matching grant situation is volunteer labor that can only be available the week before and the week after Easter. At that time, they had no knowledge of the problem with zoning and special exception requirements for this project. When they realized there were protestants in the neighborhood, they ceased construction immediately.

They invited the neighbors to come to the facility to discuss their concerns. The original facility was a three story building which houses people who come to receive literacy and evangelism training. They then go back to their respective areas in the world to teach others how to read and write in their own specific languages.

**Comments and Questions:**

Paula Hubbard informed the Board that the applicant had been notified there was a zoning problem and they proceeded on with construction. They were told to check with the field man before beginning, but he was unavailable and they proceeded anyway.

Ricky Jones advised that the property was sold to the applicant by TURA with the condition they followed the plans TURA set out for them. They were to go before TURA for a hearing within a week.

Mr. Smith questioned the reason for being before the Board, is it to approve site plans or is this a whole new project being considered?



Case No. 10335 (continued)

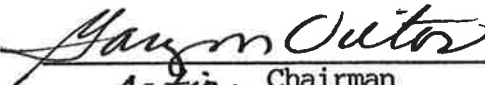
Due to the fact that applicant never came before the Board to have the duplex plan approved and is now asking for a two-story, dormitory type housing plan to be approved, this warrants a Public Hearing, classifying this project as an entirely new project.

Board Action:

On Motion of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to Hold a Public Hearing for this case.

There being no further business, the meeting was adjourned at 6:07 p.m.

Date Approved APRIL 4, 1985

  
Acting Chairman