

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 436
Thursday, April 4, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Purser Smith, Chairman Victor	Clugston	Baker Gardner Jones Moore	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, April 2, 1985, at 11:10 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE the Minutes of March 21, 1985.

UNFINISHED BUSINESS:

Case No. 10087

Action Requested:

Approval of revised site plan (proposed addition) - Approved August 3, 1978 - Fellowship Lutheran Church - 6727 South Sheridan.

Presentation:

Charles Chief Boyd, 502 South Main Mall, submitted plot plans (Exhibit A-1) of a two-story addition with a screening fence, located at 6727 South Sheridan.

Protestants:

None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE the new addition presented by applicant per the plans submitted.

4.04.85:436(1)

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 a identification sign larger than permitted; and a

Variance—Section 1340(d)—Design Standards for Off-Street Parking Areas—minus Request a variance of the required all-weather material to permit gravel to be used for the parking areas, 7370 East 71st Street, located east of SE/c of 73rd East Avenue and 71st Street.

Presentation:

Charles Norman, attorney for applicant, stated that Special Exception - Section 410 - Use Unit 1205, had previously been approved and Variance - Section 1340(d) - was denied by the Board. Norman requested withdrawal of Variance - Section 420.2(d) and asked the Board's permission to retain the existing signs.

Protestants:

None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston; "absent") to allow applicant to WITHDRAW Variance - Section 420.2(d) and to APPROVE the two existing signs, neither of which is to exceed 32 square feet; on the following described property:

Beginning at the Northeast corner of the Northwest Quarter (NW/4), Northeast Quarter (NE/4) of Section 11, Township 18 North, Range 13 East, Tulsa County, Oklahoma; thence due West, along the north line of Section 11, a distance of 1,371.53 feet; thence due south a distance of 49.00 feet; thence southeasterly along a curve to the left of radius of 225 feet, a distance of 128.39 feet; thence south 32°41'39" east a distance of 50.24 feet; thence southeasterly along a curve to the right of radius of 360 feet, a distance of 164.40 feet; thence south 6°31'42" east a distance of 337.84 feet; thence due east a distance of 1,217.53 feet; thence north 0°07'50" west a distance of 702.00 feet to the point of beginning, containing 20.660 acres, more or less.

Case No. 13446 (cont'd)

Less the following:

Beginning at a point on the north line of the Northwest Quarter (NW/4), Northeast Quarter (NE/4) of Section 11, Township 18 North, Range 13 East, in the City of Tulsa, Tulsa County, Oklahoma, said point being 1,161.53 feet west of the northeast corner of said Northwest Quarter (NW/4), Northeast Quarter (NE/4); thence continuing west a distance of 210.0 feet; thence due south 49.0 feet; thence along a curve to the left having a radius of 225.0 feet a distance of 128.39 feet; thence south 32°41'39" east a distance of 50.24 feet; thence around a curve to the right having a radius of 360.0 feet a distance of 80.0 feet (plus or minus) to a point 285.0 feet South of the North line of said Northwest Quarter (NW/4) Northeast Quarter (NE/4); thence due East a distance of 110.0 feet (plus or minus) to a point; thence North a distance of 285.00 feet to the point of beginning. Containing 1.16 acres, more or less.

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 west of SW/c of 25th West Avenue and I-44.

Presentation:

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

Protestants:

None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to STRIKE without prejudice Case No. 13448 due to fourth consecutive absence of applicant.

Case No. 13500

Action Requested:

Special Exception - (Section 410 - Principal uses permitted in the residential districts - Use Unit 1205) - Request an exception to allow a group home for the mildly, mentally handicapped in an RM zoned district.

Case No. 13500 (cont'd)

Presentation:

The applicant, Deborah Karns, requested a continuance of Case No. 13500 to April 18, 1985.

Protestants:

None.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye; no "nays"; no "abstentions"; Clugston and Purser, "absent") to CONTINUE Case No. 13500 to April 18, 1985.

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:

The applicant, Mike Payne, requested that he be permitted to operate a youth recreation center in an IL zoned district located at 9607 East 54th Street. He explained that there was a need for such a center and there would be adequate adult supervision, both inside and out in the parking area. He pointed out that there would be no alcoholic beverages permitted on the premises and that he has several off-duty policemen to patrol the area.

Protestants:

None.

Comments and Questions:

Mr. Gardner stated that one of the key considerations would be the parking area and that this should be monitored over a certain time period. The applicant stated that he is negotiating a one-year lease beginning on August 1, 1985.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 910 - Principal uses permitted in industrial districts - Use Unit 1219) to operate a youth recreation center in an IL zoned district; subject to parking lot supervision at all times to insure proper atmosphere for teenagers; and for a period of one year beginning August 1, 1985; on the following described property:

Lot 2, Block 1, 5300 Commerce Park, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS:

Case No. 13508

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 60' setback from the centerline of Wheeling to 48' to permit an addition to an existing dwelling in a RS-1 zoned district, located at NE/c Wheeling and 43rd Street.

Presentation:

The applicant, James Leake, was represented by Attorney Chris Daniel, 1611 South Harvard. He explained that the addition of an enclosed garage to the existing dwelling would extend 7.5 feet across the setback line and stated that this construction would in no way disrupt the landscape of the area. Mr. Daniel pointed out that there would be no easement encroachments. A plot plan (Exhibit A-1) and photographs (Exhibit A-2) was submitted by Greg Norton, contractor.

Protestants:

None.

Interested Parties:

Bob Nichols, 111 West 5th Street, represented the neighborhood and pointed out that several renovations had been approved in the sub-division. He stated concern that a precedence of moving lines would be set in the area, unless a hardship was shown.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugson, "absent") to APPROVE a Variance (Section 430.1 - Bulk and area requirements in the RS, RD and RM districts - Use Unit 1206) allowing a 60' setback from the centerline of Wheeling; finding a hardship imposed by the irregular shape of the corner lot; per plot plan submitted; on the following described property:

Lot 5, Block 1, Oakwold Addition, City of Tulsa,
Tulsa County, Oklahoma.

NEW APPLICATIONS:

Case No. 13507

Action Requested:

Special exception - Section 710 - Principal uses permitted in commercial districts Use Unit 1217 - Request an exception to allow an addition to an existing car wash in a CS zoned district, located NE/c Union and 49th Street.

Case No. 13507 (cont'd)

Presentation:

Applicant, Charles Gish, 1414 West 118th Street South, was represented by Attorney Chris Daniel. He asked that he be permitted to add one automatic bay and to dismantle four bays of an existing seven bay car wash. This will enable him to lot split the tract, thus utilizing additional frontage and also decrease the intensity of the traffic. Mr. Gish submitted a plot plan (Exhibit B-1).

Protestants:

None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception - (Section 710 - Principal uses permitted in commercial districts Use Unit 1217) - to allow an addition to an existing car wash in a CS zoned district, finding it meets the spirit and intent of the code, per plot plan submitted; on the following described property:

East 185 feet of south 300 feet of Lot 3, Block 3, Suburban Highland Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13509

Action Requested:

Variance - Section 1214.3 - Shopping goods and services - Use Unit 1214 - Request a variance to permit open air storage and display of merchandise within 300 feet of an abutting residential district in a CS zoned district, located at 1924 East Pine.

Presentation:

The applicant, Hadie Payne, 620 Country Club Road, Tulsa, Oklahoma, requested the display of merchandise such as used cars, hub caps, used stoves, etc., at 1924 East Pine. Mr. Payne said that there was a fence at the back of the property, but none on the front. He stated that someone must have filed a complaint, but he didn't know their identity. The business previously operating at this location was a flea market. Photographs (Exhibit C-1) were submitted.

Comments and Questions:

Ms. Purser asked applicant what the "etc." might consist of. She questioned whether or not the applicant would buy a whole truck load of various articles if it were offered to him and he stated that he would. There was discussion about the need to present a hardship and Ms. Purser pointed out that she failed to see one in this case. Mr. Victor suggested that the case be continued in order that the type of business be field checked and the photographs reviewed.

Protestants:

None.

Case No. 13509 (cont'd)

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugson, "absent") to CONTINUE Case No. 13509 until April 18, 1985.

Case No. 13510

Action Requested:

Special exception - Section 420 - Accessory use in residential districts - Use Unit 1206 - Request an exception for a home occupation to permit a mechanics shop in a RS-3 zoned district, located north of the NE corner of Xyler and Atlanta Avenue.

Presentation:

Applicant, J.N. Lewis, 2323 North Atlanta, Tulsa, Oklahoma, states that he would like to continue his occupation of thirty years in car repair. He states that this is his only means of support and that there will be no salvage stored on said property. He further stated that there will be no more than two cars on the premises at any given time. Photographs presented (Exhibit D-1).

Comments and Questions:

Mr. Gardner asked the applicant if he had a large number of cars to be repaired at any one time. Mr. Lewis replied that he did not and that he would only have two at any given time.

Mr. Smith asked Mr. Lewis if he were familiar with the Home Occupation Rules. He stated that he was not, but that he would be happy to abide by them.

Protestants:

None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugson, "absent") to CONTINUE Case No. 13510 to April 18, 1985.

Case No. 13511

Action Requested:

Variance - Section 730 - Bulk and area requirements in commercial districts - Use Unit 1216 Request a variance of the 50' setback from the centerline of 11th Street to 45' to permit a canopy for a convenience store in a CH zoned district, located at NE/c 11th and Xanthus.

Protestants:

None.

Case No. 13511 (cont'd)

Presentation:

The applicant, Bob Darby, 1241 South Harvard, Tulsa, Oklahoma, pointed out that the proposed metal canopy which is to be constructed would be consistent with surrounding businesses. He pointed out that the Circle K, which is on the same street, appeared to be over the setback and that his addition would not protrude further than that structure.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 730 - Bulk and area requirements in commercial districts - Use Unit 1216) of the 50' setback from the centerline of 11th Street to 45' to permit construction of a metal canopy; finding a hardship imposed by the code since the actual building setback on the street does not meet the code requirement and finding that the variance will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the Code; on the following described property:

Lot 6, Block 2, Fleetwood Industrial Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13512

Action Requested:

Special Exception - Section 910 - Principal uses permitted in industrial districts - Use Unit 1212 - Request an exception to permit an existing tavern in a IL zoned district, located on the NW/c of Pine and 71st East Avenue.

Presentation:

The applicant, Patsy Lewis, was represented by Carla Buzzard, 7103 East Pine, Tulsa, Oklahoma. Ms. Buzzard submitted a plot plan (Exhibit E-1), and stated that the bar has been there for some time, the parking is adequate and there is no problem with residents in the immediate area.

Comments and Questions:

Mr. Gardner asked Ms. Buzzard if the customers ever parked on adjoining property during busy hours. Ms. Buzzard informed that the business had access to one acre of parking which was adequate for the customer parking.

Protestants:

None.

Case No. 13512 (cont'd)

Board Action:

On MOTION of VICTOR and SECOND by PURSER, THE Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 910- Principal uses permitted in industrial districts - Use Unit 1212) to allow an existing tavern to continue business in a IL zoned district; per plans submitted; on the following described property:

South 264' of West 165' of SE/4 of SE/4 of SW/4 of Section 26, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13513

Action Requested:

Variance - Section 630 - Bulk and area requirements in office districts- Use Unit 1211 - Request a variance to allow a two story addition to an existing office in an OL zoned district, located at 4948 South Columbia Avenue.

Presentation:

The applicant, United Resources Building Company, represented by Drew Howell, 3000 East Skelly Drive, submitted photographs (Exhibit F-1) and site plans (Exhibit F-2) of proposed two story addition and parking lot. Mr. Howell explained that the contour of the land restricted the construction of additional office.

Interested Parties:

Carl White, 4940 South Columbia, owner of adjoining property, expressed his concern that the beauty of the building be maintained.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board avoted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston "absent") to APPROVE a Variance (Section 630 - Bulk and area requirements in office districts - Use Unit 1211) to allow the construction of a two story addition to an existing office building (maintain same roof line); finding that the topography is the basis for the hardship on the applicant; subject to the plans submitted; on the following described property:

Lot 5, Block 2, South Lewis View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13514

Action Requested:

Variance - Section 620.2(d) - Accessory uses permitted in office districts - Use Unit 1219 - Request a variance of the display surface area limitations to permit two wall mounted and two ground signs for a hotel in an OMH zoned district, located at the 3200 block of 79 East Avenue.

Case No. 13514 (cont'd)

Presentation:

Applicant, Vantage Properties, was represented by Charles Norman, Attorney. Mr. Norman stated that a four acre tract east of I-44 and Broken Arrow Expressway received zoning two years ago from CS to OMH for hotel special exception. The requirement for hotel signs is limited to a space of 32 square feet and Mr. Norman asked permission for placement of one sign at the 79th East Avenue entrance and another at the SW/c of the expressway frontage. Plans were submitted (Exhibit G-1) to the Board for viewing.

Comments and Questions:

Mr. Gardner asked Mr. Norman if the height of the signs exceeds 30 feet? Mr. Norman stated they would not exceed 30 feet.

Protestants:

None.

Board Action:

On MOTION of VICTOR and SECOND by PURSER, the Board voted 4-0-0, (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 620.2(d) - Accessory uses permitted in office districts - Use Unit 1219) of the display surface area limitations to permit two wall mounted and two ground signs for a hotel per plans submitted; on the following described property:

All that part of Lot 3, Interchange Center, an addition to the City of Tulsa, Tulsa County, Oklahoma as recorded by Plat No. 2336, filed October 28, 1960 with the County Clerk of Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at the S-SW corner of said Lot 3; thence N 00°02'27" W along the west boundary of said Lot 3 a measured distance of 54.10 feet (48.02 feet deed) to a point in the southeasterly right-of-way of Interstate Highway 44 (the N-SW corner of said Lot 3); thence N 48°55'30" E along the highway right-of-way and Lot 3 boundary a distance of 151.73 feet; thence S 41°04'30" E a distance of 204.16 feet to a point in the south boundary of said Lot 3, (north boundary of Interchange Place, an addition to the City of Tulsa) 1592.85 feet from the southeast corner thereof; thence N 89°58'30" W along the common boundary of said Lot 3 and Interchange Place a distance of 248.48 feet to the point of beginning, containing 22,210.63 square feet or 0.50987 acres, more or less.

AND

All that part of Lot 3, Block 1, Interchange Place, an addition to the City of Tulsa, Tulsa County, Oklahoma as recorded by Plat No. 3974 filed November 14, 1979 with the County Clerk of Tulsa County, Oklahoma, more particularly described as follow, to-wit:

Case No. 13514 (cont'd)

Beginning at the northwest corner of said Lot 3, Block 1; thence S 89°58'08" east along the north boundary of said Lot 3 (south boundary of Interchange center, an addition to the City of Tulsa) a distance of 307.23 feet; thence south 41°04' 30" east a distance of 87.77 feet to a point in the east boundary of said Lot 3, Block 1; thence south 35°44'02" west a distance of 00.00 feet; thence along the east boundary of said Lot 3 on a curve to the left having a radius of 380.00 feet a distance of 237.22 feet; thence south 00°02'08" east along the east boundary of said lot 3 a distance of 75.40 feet; thence south 89°57'52" west a distance of 243.00 feet; thence north 62°52'35" west a distance of 228.12 feet to a point in the west boundary of said Lot 3 (easterly right-of-way of Interstate Highway 44) thence along the west boundary of said Lot 3 as follows: north 27°07'25" east a distance of 69.35 feet; thence north 29°38'06" east a distance of 211.90 feet; thence north 48°55'30" east a distance of 21.52 feet to the point of beginning, containing 141,170.38 square feet or 3.24082 acres more or less.

AND

All that part of the E/2 NW/4 NE/4 of Section 23, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official U.S. Government survey thereof; more particularly described as follows to wit:

Beginning at a point in the south boundary of said E/2 NW/4 NE/4 99.00 feet from the southwest corner thereof (the S-SW corner of Lot 3, Interchange Center, an addition to the City of Tulsa) thence N 00°02'27" W along the west boundary of Lot 3, Interchange Center a measured distance of 54.10 feet (48.02 feet deed) to a point in the southeasterly right-of-way of Interstate Highway 44 (the N-SW corner of Lot 3, Interchange Center); thence S 48°55'30" W along Interstate Highway 44 Right-of-Way a measured distance of 82.30 feet (73.24 feet deed) to a point in the south boundary of said E/2 NW/4 NE/4 36.92 feet from the southwest corner thereof; thence S 89°58'30" E along the south boundary of said E/2 NW/4 NE/4 a distance of 62.08 feet to the Point of Beginning, containing 1,679.46 square feet or 0.03856 acres, more or less.

Containing in all three parcels 165,060.48 square feet or 3.78927 acres, more or less.

Case No. 13515

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request an exception to allow a duplex in an RS-3 zoned district, located east of the NE corner of Cameron and 29th West Avenue.

Case No. 13515 (cont'd)

Presentation:

Joe Baler, 5429 South 76th East Avenue, representing the owner of the property, stated he wanted to put a 14 x 24 addition on to his house to allow living area for his parents. There will not be a closed partition wall and include only a small kitchen. There will be only one outside entrance access through the patio. It will not be used for rental property, only a place for his elderly parents to live where he can take care of them.

Protestants:

Ruth Cantrell, 516 North 27th West Avenue, was concerned Baler planned to use the property for rental purposes.

Comments and Questions:

None.

Board Action:

On MOTION of PURSER and SECOND by PURSER the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor "aye"; no "nays": no "abstentions"; Clugston, "absent"; to APPROVE the Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207) to allow a duplex in an RS-3 zoned district per plot plans to be submitted within the next three days; showing only one rear exit, no solid wall partition between quarters they add for family purposes only; on the following described property:

A tract of land beginning nine hundred twenty-three and five tenths (923.5) feet west and one hundred ninety (190) feet south of the northeast corner of the Southeast Quarter of the Northwest Quarter (SE/4 NW/4) of Section Three (3), Township Nineteen (19) North, Range twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; thence west one hundred six and five tenths (106.5) feet; thence south one hundred fifteen (115) feet; thence east one hundred six and five tenths (106.5) feet; thence north one hundred fifteen (115) feet to the point of beginning.

Case No. 13516

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request an exception to allow a beauty school in a CS zoned district; located at the NE corner of 19th and Sheridan.

Presentation:

Jim Ketchum, Bauer & Associates, 4821 South Sheridan, submitted a petition (Exhibit H-1) from the surrounding business owners stating they are in favor of this project. There will be 11 people on the staff and a maximum of 14 customers at one time, which will require approximately 25 parking spaces. There are 68 available parking spaces for the entire tract. There is a TV and appliance store and a bar on the tract.

Case No. 13518 (cont'd)

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0, (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to DENY the Use Variance requested and APPROVE the existing use of the land and buildings finding the construction business is non-conforming except for the portion containing the house (85' x 150'), on the following described property:

The N/2 S/2 SE SE NE less E 440.64 feet and the S/2 SW SE SE NE less the E 110 feet and less the W 25 feet and S 30 feet and E 10 feet for RD, Section 36, Township 20 N, Range 13 E; and

The E 110 feet and the S 165 feet, SW SE SE NE less the S 30 feet for RD, Section 36, Township 20 North, Range 13 East; and

The W 110 feet of the E 440.64 feet N/2 S/2 SE SE NE less beginning at the NE corner N/2 S/2 SE SE NE; thence W 40 feet S 75 feet W 60 feet S 90 feet E 100 feet N 165.08 feet to Point of Beginning, Section 36, Township 20 North, Range 13 East; and less and except the north 85' of the east 150' of the aforementioned N/2 S/2 SE SE NE less the east 440.64 feet thereof.

Case No. 13519

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request an exception to allow off-street parking in an RM-2 zoned district.

Special Exception - Section 1680.1(g) - Request an exception to allow off-street parking in a residential district when abutting an office district.

Variance - Section 1330 - off-street parking and loading area setbacks - Request a variance of the 50' setback from the centerline of Troost to 30'.

Variance - Section 1340(e) - Design Standards for Off-street Parking Areas - Request a variance of the screening requirement along the north property line of the subject tract, located north of the Northwest corner of 11th Street and Troost.

Presentation:

Leann Walden, 3325 East 46th Street, submitted pictures (Exhibit K-1) and a site plan (Exhibit K-2) for the Board to view. She advised they owned the duplex to the north and the southern lot was needed for more parking for the business on 11th Street.

Protestants:

None.

Case No. 13519 (cont'd)

Interested Parties:

Dorothy Turner, 1008 South Troost, stated she was concerned about the drainage, but also stated she thought the parking lot would be an improvement to what is presently there.

Comments and Questions:

There was discussion that the request for Section 1680.1 should be substituted by Section 440(8) since the applicants business was not adjacent to the parking lot. It was also stated that there should be a screening fence on the north side of the duplex between the Walden and Turner property.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; no "abstentions"; Clugston and Smith, "absent") to APPROVE the Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210) to allow off-street parking in an RM-2 zoned district; to APPROVE a Variance (Section 1330 Off-street Parking and Loading Area Setbacks) of the 50' setback from the centerline of Troost to 30'; and to APPROVE a Variance (Section 1340(e) - Design Standards for Off-street Parking Areas) to remove the screening requirement along the north property line of the subject tract with the provision that the screening fence be installed on the north side of the duplex lot from the front of the single family home to the north and extending west adjacent to the parking, per plot plans submitted and drainage plans approved by City Hydrology; on the following described property:

Lots 7 and 8, Block 10, Parkdale Amended Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13520

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request a variance of the 55' setback from the centerline of Hartford Avenue to 28' to permit a carport in an RS-3 zoned district, located at 5241 North Hartford Avenue.

Presentation:

Clifford Harrison, 5241 North Hartford, stated the contractor that built the carport is now deceased. At the time he built it, he had no building permit. She submitted pictures (Exhibit L-1) to the Board for viewing.

Ms. Harrison informed the Board she had received a citation from Code Enforcement.

Comments and Questions:

Mr. Gardner, INCOG Staff, stated that per the pictures submitted, it looks as if the carport is too close to the fire hydrant.

Case No. 13516 (cont'd)

Comments and Questions:

Mr. Gardner, INCOG Staff, stated there has been a problem with parking for this type of business, but the hours of the school and the bar would be different, thereby easing the parking problem.

Dale Carey, 6753 South 73rd East Avenue, owner of Roberts Beauty Training Center, stated the enrollment will be about 40 students. All of these students are not there each day and 50% of them come by bus (city buses and Job Corp. buses). The staff would consist of 5 full-time and 11 part-time workers. Carey stated the school's hours would be from 8:30 a.m. to 5:00 p.m.. The club next door does not open until 5:00 p.m.

Bob King, Bauer & Associates, said he had counted the parking spaces and they appeared to be sufficient.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent"; to APPROVE the Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow a beauty school in a CS zoned district with the restriction that there be no evening classes; on the following described property:

Lot 1, Block 1, 21st and Sheridan Center Fifth Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13517

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request an exception to permit a car wash in a CS zoned district, located at the NW corner of 11th Street and 107th East Avenue.

Presentation:

Richard Hockett, 303 East 29th Street, submitted site plans (Exhibit I-1) and pictures (Exhibit I-2) to the Board for viewing. He stated he proposed to put in a 6-bay car wash with the bays facing 11th Street.

Comments and Questions:

Mr. Gardner, INCOG Staff, asked if the spray of water would blow onto the apartments next door to the north.

Mr. Hockett stated it would be a self-service car wash with no automatic bays. It would be attended from 8:00 a.m. to 10:00 p.m., well lighted and screened from the apartment complex (no blowing spray). The hours of operation would be 24 hours, although only attended the above-stated hours.

Case No. 13517 (cont'd)

Mr. Hockett stated they own the apartment complex next door and the materials used to finish the car wash would compliment the apartment complex. He stated they do not have their sign details worked out yet, but they would be in compliance with the zoning code for that property.

Protestants:

None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Purser, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE the Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to permit a car wash in a CS zoned district with the restrictions that the exterior building materials of the car wash be compatible with the abutting apartment complex; there be an attendant on duty seven days a week from 8:00 a.m. to 10:00 p.m.; and built per plot plans; on the following described property:

Lot 2, Block 1, Heidler Park One, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13518

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Request a Use Variance to allow Use Unit 25 for underground construction facility and related uses in an RS-3 and RM-1 zoned districts, located west of the NW corner of Latimer Street and Mingo.

Presentation:

William Barnett, 1115 North 94th East Avenue, stated the property is zoned RM-1. He presented a slide presentation. He submitted a petition (Exhibit J-1) from surrounding residents stating they are in favor of him having this business in the area. He purchased the property 12 years ago and there had been a house moving business there before the houses were built in the area.

Comments and Questions:

Alan Jackere stated there were similar uses in the area going back 40 years or more. The houses are about 28 years old and there were non-conforming uses already in effect there. All of the property in question is under the non-conforming business use except for a portion located at the NW corner (85' x 150').

Barnett stated there would be no changes, things would remain substantially the same.

Protestants:

None.

Case No. 13520 (cont'd)

Ricky Jones said the city found the encroachment when they were laying a new water line.

Protestants:

None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Smith, "absent") to APPROVE the Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206) of the 55' setback from the centerline of Hartford Avenue to 28' to permit a carport in an RS-3 zoned district subject to City Commission approval; on the following described property:

Lot 6, Block 33, Valley View Acres Second Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13521

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request an exception to allow a duplex in an RS-3 zoned district, located south of the SE corner of 38th Street and 82nd East Avenue.

Presentation:

Michael Kuykendall, 3833 South 82nd East Avenue, requested permission to build a duplex in a residential zoned district in order to maximize the yield on the lot.

Comments and Questions:

Ms. Purser asked if there were any other duplexes in the surrounding area to which the applicant answered no.

Jackere asked if there is any reason applicant cannot build a single-family residence on the lot other than economic reasons.

Protestants:

A petition of protestants was submitted (Exhibit M-1) to the Board as well as 20 persons or more present in protest.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Smith, "absent") to DENY the Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207) to allow a duplex in an RS-3 zoned district; on the following described property:

Lots 25 and 26, Block 3, Memorial Estates, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13522

Action Requested:

Special Exception - Section 240.2(c) - Permitted Yard Obstructions - Use Unit 1206 - Request an exception to permit the erection of a wrought iron fence 6' in height, 12' from the front property line in an RS-1 zoned district, located north of the NE corner of 70th Street and Florence.

Presentation:

Casper Jones, 1302 South Fulton, represented the applicant. Site plans were submitted (Exhibit N-1) for the Board to view.

Protestants:

None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Smith, "absent") to APPROVE the Special Exception (Section 240.2(c) - Permitted Yard Obstructions - Use Unit 1206) to permit the erection of a wrought iron fence 6' in height 12' from the front property line in an RS-1 zoned district per plans submitted on the following described property:

Lot 11 and 12, Block 3, Timberlane Hills Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13523

Action Requested:

Special Exception - Section 16780.1(g) - Use Unit 1210 - Request an exception to permit off-street parking within an RM-1 zoned district, when abutting a commercial district in conjunction with a shopping center.

Special Exception - Section 250.3 - Modification of the screening wall or fence requirements - Request an exception to modify the screening along the south property line of the subject tract.

Variance - Section 1214.4 - Off-street parking and loading requirements - Request a variance of the parking requirements to allow for expansion of shopping center in the future, located south of the SW corner of 21st Street and 145th East Avenue.

Presentation:

James L. Snead, Attorney, 114 East State Street, requested parking be allowed in an RM-1 zoned district, modification of the screening wall and waiver of additional parking for future expansion of the Eastland Shopping Center. He submitted a plot plan (Exhibit O-1) and landscape plan (Exhibit O-2) to the Board for viewing.

Case No. 13523 (cont'd)

Comments and Questions:

Richard E. Husland, Architect, Cleveland, Ohio, said there are 4,966 parking spaces required for the Eastland Shopping Center and he thought that was more than should be required.

Mr. Jackere asked if Husland disagreed with our Zoning Ordinance requirements on parking. Mr. Husland stated that he did. Mr. Jackere stated the Board has to abide by the standards the City has adopted for the zoning code.

Mr. Victor stated he cannot support, without specific documentation, a premature request for a parking waiver which is not yet needed. Ms. Purser said they should wait and come before the Board when the need arises, not before you know what is needed.

Protestants:

None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Victor "aye"; no "nays"; no "abstentions"; Clugston, Smith "absent") to **APPROVE** a **Special Exception** (Section 1680.1(g) - Use Unit 1210) to permit off-street parking within a RM-1 zoned district which is abutting a commercial district in conjunction with a shopping center, per plot plans submitted; to **APPROVE** a **Special Exception** (Section 250.3 - Modification of the screening wall or fence requirements) to modify the screening along the south property line, and to put up landscaping in place of the fence per landscape plans submitted; and to **CONTINUE** the **Variance** (Section 1214.4 - Off-street parking and Loading Requirements) to allow a waiver of the off-street parking requirements to accommodate future development because the request is premature, and without specificity for sixty days (60) that date being June 13, 1985; on the following described property:

The south 300' of Lot 1, Block 1, Eastland Acres, City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13524

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1214 - Request a variance of the minimum frontage requirement in an OL zoned district.

Special Exception - Section 250.32 - Modification of the Screening Wall or Fence Requirements - Request an exception of the screening fence requirement per denial of city hydrology, located west of the SW corner of 31st Street and Garnett.

Case No. 13524 (cont'd)

Presentation:

Mike Taylor, Sisemore, Sack & Sisemore, 314 East Third Street, stated he was requesting the variance to clear up a title problem of Case 12850 in October 1983, and a special exception of the screening fence as City Hydrology denied erection of a fence.

Comments and Questions:

Mr. Jackere asked why the frontage was 20 feet short and Mr. Taylor pointed out that it was taken by the government for sewer and street purposes. The new CS zoning requires a 150' frontage and applicant has 98'. The previous OL zoning only required 75 feet and then had 118 feet before losing 20 feet.

Protestants:

None.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; no "abstentions", Clugston, Smith, "absent") to APPROVE a Variance (Section 630 - Bulk and Area requirements in the office districts - Use Unit 1214) of the minimum frontage requirement in an ACS zoned district) from 150' frontage to 98'; finding the hardship was the taking of the 20 feet for right of way purposes and APPROVE a Special Exception (Section 250.3 - Modification of the screening wall or fence requirements) to eliminate the use of a screening fence since the area is subject to flooding and a fence will dam up the flow; on the following described property:

A tract of land, containing 1.7807 acres that is part of Lot 2 in Block 2 of "Valley Glen South", an addition to the city of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: "Beginning at a point", said point being the northeast corner of Lot 2 in Block 2 "Valley Glen South"; thence S 005'30" E and along the easterly line of said Lot 2 for 450.00' to the southwest corner of Lot 2; thence due west along the southerly line of Lot 2 for 281.76'; thence N 0°06'34" E and parallel to the westerly line of Lot 2 for 150.00'; thence due east and parallel to the northerly line of Lot 2 for 161.18'; thence N 0°06'34" E and parallel with the westerly line of Lot 2 for 280.00'; thence due east and parallel to the northerly line of Lot 2 for 25.86'; thence due north for 20.00' to a point on the northerly line of Lot 2; thence due east along said northerly line for 93.18' to the "Point of Beginning" of said tract of land.

Case No. 13525

Action Requested:

Special Exception - Section 910 - Principal uses permitted in the Industrial Districts - Request an exception to permit Use Unit 14,

Case No. 13525 (cont'd)

shopping goods and services, in a IL zoned district; located on the SW corner of 42nd Place and Memorial.

Presentation:

The applicant, Wal Mart, was represented by Michael Taylor, Sisemore, Sack, Sisemore, and Associates, Inc., 314 East 3rd Street, Tulsa, Oklahoma. Mr. Taylor stated that a retail store of this nature would be in harmony with the commercial neighborhood and that he is working on a detailed sight plan with the owner. He noted that two points of access, one on Memorial Drive and one on 42nd, have been approved by the traffic engineer.

Comments and Questions:

Ms. Purser expressed concern that the heavy traffic on 42nd Place would present a problem and that the street was not designed to carry the volume. Mr. Taylor stated that a commercial pattern is already established in the area, especially along Memorial and pointed out that the 42nd Place traffic would have a north access to 41st Street.

Mr. Jackere stated that the retail use as opposed to industrial may be a rezoning problem.

Mr. Victor stated that the impact on the area should be investigated further.

Protestants:

None.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Smith, "absent") to CONTINUE case No. 13525 to May 2, 1985 to allow time for a traffic study of the impact of additional traffic on Memorial and 42nd Place.

Case No. 13526

Action Requested:

Special Exception - Section 410 - Principal uses permitted in the residential districts - Use Unit 1205 - Request an exception to permit church use and school use in a RM-2 zoned district; located at the SW corner of 17th and Jackson.

Presentation:

The applicant, Chief Boyd, 502 South Main Mall, Tulsa, Oklahoma, explained that after beginning construction at 1802 South Jackson, the facility for housing missionaries was reduced from three-story to two-story as instructed by the building inspector; plans submitted (Exhibit P-1). Mr. Boyd stated that he had secured approval of adjacent neighbors and only three property owners in the area were undecided about the project. He presented a list of signatures of residents in the neighborhood that were in favor of the church school (Exhibit P-2).

Case No. 13526 (cont'd)

Comments and Questions:

Ms. Noe pointed out that the principal use is the school and that the dormitory is an accessory use.

Protestants:

Joe Dake, 2004 South Maybelle, Tulsa, Oklahoma, expressed his disapproval of the dormitory type housing and pointed out that he is concerned that the people moving there would be transients. He stated that theft is a problem in the area and fears that this might increase with the new residents of the dorm. Mr. Jeckere pointed out that the intensity would be less than that of an apartment complex.

Sherry Dake, 2004 South Maybelle, Tulsa, Oklahoma, stated that she believed that her property would depreciate because of the church school and opposed locating of this type of facility in the area.

Interested Parties:

Thad May, 703 West Jackson, Tulsa, Oklahoma, stated that he is in support of the organization. He pointed out that there had been a lot of mixed emotions and party switching, but that he believes in the integrity of the people.

Wagner Montain, who came from Montana to coordinate the building material for the group, pointed out that most of the missionary trainees are university graduates and not the transient type.

Gordon Johnson, 814 West 19th, Tulsa, Oklahoma, stated that he is in favor of the school and believes they are trying to be good neighbors.

Board Action:

On MOTION of PURSER and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays": no "abstentions"; Clugston, Smith, "absent") to APPROVE a Special Exception (Section 410 - Principal uses permitted in the Residential Districts - Use Unit 1205) to permit an extension of use; principal use being a church and accessory use being special apartment living quarters for missionaries; per plot plan; on the following described property:

Lot 17, Block 7, Riverview Park Second Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Case No. 13527

Action Requested:

Special Exception - Section 910 - Principal uses permitted in the industrial districts - Use Unit 1205 - Request an exception to permit a private cultural and recreational facility for a period of 3 years in an IL zoned district; located west of the SW corner of 46th Street and Memorial.

Case No. 13527 (cont'd)

Presentation:

The applicant, Nabil Khonry, was represented by Ron Steen, 6106 South Troost, Tulsa, Oklahoma. Mr. Steen requested the operation of a recreational facility at 7636 East 46th Street, which would serve as a cultural center for Saudi Arabian students attending school at the Spartan School of Aeronautics. He pointed out that there would be pool, ping pong, video games and vending machines and no alcoholic beverages.

Comments and Questions:

Ms. Purser pointed out that this is the wrong location for such a center and noted that it should be located in a commercial area.

Mr. Jackere stated that a club in that area could cause a problem for police patrol.

Protestants:

Denny Moffitt, 2400 1st National Tower, Tulsa, Oklahoma, represented Oil Dynamics and Dave Sanders, owner. Mr. Moffitt stated that the parking is not adequate and that the club is not harmonious with the businesses in the area which close at 6 P.M.

James Wickerham, 7628 East 46th Street, Tulsa, Oklahoma, stated that the parking is not adequate for the 190 students that would be using the facility.

Interested Parties:

Mark Sweeney, Spartan School of Aeronautics, stated that had no objection to this club for the students.

Board Action:

On MOTION of PURSER and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Smith, "absent") to DENY a Special Exception (Section 910-Principal uses permitted in the industrial districts - Use Unit 1205) for a recreation center to be located in an IL zoned district; finding that that special exception requested violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 18, and 19, Block 4, Industrial Equipment Center Second Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

OTHER BUSINESS:

Case No. 13007

Action Requested:

Variance - Section 430 - Bulk & Area Requirements in the Residential Districts - Use Unit 1205 - Request a variance of building setback from abutting street to permit enclosure of tennis courts in an RD zoned district under the provisions of Section 1670; located west of the SW corner of E. 91st & Harvard.

Case No. 13007 (cont'd)

Presentation:

Applicant, Jim O'Hare, owner of the Tulsa Southern Tennis Club, submitted plans (Exhibit Q-1) for the enclosure of existing tennis courts and fitness center.

Protestants:

None.

Board Action:

On MOTION by PURSER and SECOND by CHAPPELLE, ; the Board voted 3-0-0 (Chappelle, Purser, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Smith, "absent") to APPROVE the revised site plan for Case No. 13007; requesting that there would be no membership to fitness center only; on the following described property:

Tract A:

Lot 1, Block 1, Wimbledon Place, a Subdivision of the North 450.00 feet of the West 480.00 feet of the East Half (E/2) of the Northwest Quarter of the Northeast Quarter (NW/4 NE/4) of Section 20, Township 18 North, Range 13 East, Tulsa County, Oklahoma;

AND

Tract B:


The East Half of the Northwest Quarter of the Northeast Quarter (E/2 NW/4 NE/4) of Section 20, Township 18 North, Range 13 East of the Indian Base and Meridian, lying South and adjacent to the Wimbledon Place, more particularly described as follows, to-wit: Commencing at the Northwest Corner of the East Half of the Northwest Quarter of the Northeast Quarter (E/2 NW/4 NE/4), thence South 00°18'09" West a distance of 450.0 feet to the Point of Beginning which is the Southwest Corner of Wimbledon Place, a Subdivision to the City of Tulsa, Tulsa County, Oklahoma; thence running South 00°18'09" West and along the West boundary of said East Half of the Northwest Quarter of the Northeast Quarter (E/2 NW/4 NE/4) of Section 20, Township 18 North, Range 13 East, a distance of 270.0 feet; thence due East parallel with the South line of said Wimbledon Place a distance of 480.0 feet; thence North 00°18'09" East distance of 270.0 feet to the Southeast Corner of Wimbledon Place; thence due West along the South boundary of Wimbledon Place a distance of 480.0 feet to the Point of Beginning.

4.04.85:436(24)

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

Date Approved

4-18-85


Chairman

