

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 437
Thursday, April 18, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle Clugston Smith, Chairman Victor	Purser	Gardner Jones 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 16, 1985, at 11:50 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 1:05 p.m.

MINUTES:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** the Minutes of April 4, 1985.

UNFINISHED BUSINESS:

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 a RM-2 zoned district.

Variance - Section 440.2 - Special exception uses in residential districts, requirements - Request a variance to allow a sign to be attached to the house, located at 1604 South Quincy.

Presentation:

The applicant, Jake Wright, requested that he be permitted to have a home occupation and a sign in a RM-2 zoned district. Photographs (Exhibit A-1) were submitted. He stated that he purchased the property assuming that he could operate the business without permission and was then approached by a representative of City Code Enforcement which informed him otherwise. He reported that he did not intend for the sign to be advertising, but only to enable his clients to locate the business. Mr. Wright explained that he would have no employees and that he would not have more than twenty clients in the office each month.

Case No. 13478 (cont'd)

Lot 1, Block 10, Orcutt Addition to the City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. Victor asked that the record show that he is a member of Christ the King Church that is located across the street from the property and that no one in the congregation has mentioned this application to him; therefore, he has no conflict of interest.

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 a RM-2 zoned district, located at 1604 South Quincy.
1709 South Carson

Presentation:

Applicant, Deborah Karns, Executive Director of Home Life, submitted a plot plan (Exhibit B-1) for Alpha House, a proposed group home for the mildly mentally handicapped. She explained that these young men are not violent, but they cannot properly interpret society. Ms. Karns pointed out that the residents have no past behavior problems and that they are all gainfully employed. Each individual is reviewed by an interdisciplinary team on a regular basis. She pointed out that these individuals would be a benefit to the community and not a problem. A brochure on group homes was submitted to the Board (Exhibit B-2).

Comments and Questions:

Mr. Jackere asked how many residents would be living in the house. Ms. Karns informed that there would be seven young men living in the home and two staff members that provide twenty-four hour care. She stated that they are away from the home during the day because they each have their respective job, which is a requirement for living there. She pointed out that the home would have the appearance and characteristics of any normal household.

Mr. Victor questioned why they would need a supervised environment if they are capable of working. Ms. Karns pointed out that the young men have arrested social skills, but can handle life with a little assistance. Some parental guidance is needed, such as help with check books, getting to work on time, etc.

Mr. Clugston asked if these residents come from state institutions. Ms. Karns said that some do come from institutions, but they do not have behavior problems.

Mr. Smith asked if the men know right from wrong. The applicant stated that they do know the difference, just as any ten or eleven year old would know.

Protestants:

Norma Turnbow, 1822 South Cheyenne, informed that she would be against the location of any such facility in the area. Ms. Turnbow stated that the neighborhood already has a rehabilitation center for alcoholic men and women and one for drug addicts. She noted that the area is too small for any more facilities of this nature.

Mike Freeman, 1701 South Carson, Tulsa, Oklahoma, who is an adjacent neighbor to the subject property, presented a petition (Exhibit B-3) with two hundred twenty-one signatures of area residents. He stated that his home has just recently been remodeled and fears that having this type of organization next door will reduce its property value. He informed that he is sensitive to the needs of these people, but not in his neighborhood.

Mr. Jackere asked Mr. Freeman if he is appearing as a legal representative. He answered that he is an attorney, but is not appearing in that capacity. Mr. Jackere further asked why these seven residents would be any different than a seven member family moving into the house. Mr. Freeman said that it is a nursing care type facility without trained supervision and that he and his family would not feel safe living next door to it.

Rick Loewenherz, 1723 South Carson, pointed out that he bought property twelve years ago in what was then a dying neighborhood and rebuilt it. He pointed out that a home of this nature would be injurious to the area.

Geneva Moore, University Club Tower, pointed out that the older residents in the area would be restricted from outdoor activities, fearing a confrontation with the occupants of the home.

Dan Statuto, 216 Riverhouse, pointed out that a lot of property in the area is for sale because of the proposed facility.

Marsha Vinyard, 1614 South Cheyenne and John Bryant, 1321 South Carson, stated that they are Realtors and that the home would have an adverse affect on the property value in the area.

Darlene Kackley, 217 West 17th Street and Kimberly Freeman, 1701 South Carson, stated that they felt the location of the home would put unnecessary stress on the mothers living in the area.

John Nicks, 1448 South Carson and Pat Bringenberg, 1803 South Carson, stated that the responsibility of supporting such group homes should be spread out and that this particular neighborhood has more than its share.

Jean Benbow, 1915 South Cheyenne, pointed out that she owns rental property which is adjacent to that of a mentally retarded person. She added that she had not been able to rent her property to families with children because of this neighbor.

Case No. 13500 (cont'd)

Interested Parties:

James Walker, 1639 South Cheyenne, pointed out his concern that the neighborhood is discriminating against these mildly mentally retarded people. He stated that these people should be helped and that he wouldn't mind having them in the area.

Applicant's Rebuttal:

Ms. Karns pointed out that statistics show that property value will not change if the exterior is not altered and that the appearance of the home will be just like any other home in the area. She asked that the handicapped not be further punished for unsubstantiated fears.

Don Crowl, Board of Directors of Hallmark Association for Young Handicapped, stated that the young men in question are participants in the Special Olympics and are very appealing individuals.

Additional Comments:

Mr. Clugston pointed out that this is a very difficult case. A discussion on the definition of 'mildly mentally retarded' was clarified by Ms. Karns as being a person that is employable.

Mr. Gardner pointed out that this case would not fall under Use Unit 5 if there were a question of safety involved, but the question is, whether or not it will be a negative influence on the neighborhood.

Board Action:

On MOTION by CLUGSTON and SECOND BY VICTOR, the Board voted 2-2-0, (Clugston, Smith, "aye"; Chappelle, Victor, "nay"; no "abstentions") to ***APPROVE** a **Special Exception** (Section 410 - Principal uses permitted in the residential districts - Use Unit 1205) to permit the operation of a group home for the mildly mentally handicapped, as presented, in a RM-2 zoned district; finding that the special exception request violates the spirit and intent of the Code: on the following described property:

N 10'5" of Lot 8. All of Lots 9 and 10, Block 11, Stonebraker Heights, an addition to the City of Tulsa, Tulsa County, Oklahoma.

*Motion failed due to lack of 3 affirmative votes.

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.

Case No. 13509 (cont'd)

Presentation:

The applicant, Hadie Payne, 620 Country Club Road, Tulsa, Oklahoma, requested the display of merchandise such as used cars, hub caps, etc., at 1924 East Pine.

Comments and Questions:

Mr. Victor pointed out that he had viewed the location and that Mr. Payne's business is the neatest one out there.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor,, "aye"; no "nays"; no "abstentions"; Purser "absent") to APPROVE a Variance (Section 1214.3 - Shopping goods and services - Use Unit 1214) to permit the display of merchandise, stacked and off the ground, within 300' of an abutting residential district in a CS zoned district; finding the proposed use was consistent with the commercial use of property on East Pine Street; on the following described property:

The West 80' of the North 140' of Lot 12, Springdale Acre Lot, an addition to the City of Tulsa, Tulsa County, Oklahoma.

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.

Presentation:

The applicant, J. R. Lewis, 2323 North Atlanta, Tulsa, Oklahoma, stated that he would like to continue his car repair business at his home. He stated that this is his only means of support and that there will be no salvage stored on the property.

Comments and Questions:

Mr. Victor asked where the repair would be done. Mr. Lewis stated that he has a building on the property for the purpose of auto repair.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") TO APPROVE a Special Exception (Section 420 - Accessory use in residential districts - Use Unit 1206) to allow the operation of a mechanic shop as a home occupation in a RS-3 zoned district; subject to the rules and regulations of home occupation; and subject to repairs being made inside the shop and no salvage being stored in the area; on the following described property:

Case No. 13510 (cont'd)

Lots 26 and 27, Block 4, Tulsa Heights, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 13540

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 Yorktown to 48' to permit an existing structure in a RS-2 zoned district, located at 3049 South Yorktown Avenue.

Presentation:

The applicant, Tom Haynes, 8137 East 49th Street, Tulsa, Oklahoma, informed the Board that he is requesting a variance of the 55' setback from the centerline of Yorktown to 48', thus allowing the applicant to clear up a title problem on an existing structure. He submitted a plat of survey (Exhibit J-1).

Protestants:

None.

Board Action:

On MOTION of SMITH and SECOND by CLUGSTON 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 1206) of the 55' setback from the centerline of Yorktown to 48' in a RS-2 zoned district; finding a hardship imposed by the existing structure on a corner lot; per plat of survey; on the following described property:

Lot 9, Block 19, Forest Hills, an addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 13528

Action Requested:

Variance - Section 750.2 - Location of sexually-oriented business - Use Unit 1214 - Request a variance to permit a sexually-oriented business within 300' of a residentially zoned district and within 300' of a non-arterial street which provides access to a residentially zoned area in a CH zoned district, located at 2630 East 15th Street.

Presentation:

The applicant, Karen Harrington, 2630 East 15th Street, Tulsa, Oklahoma, requested that she be permitted to continue operation of a sexually-oriented bar on the subject property. She stated that she has nude dancers and that the club is open during the week from

Case No. 13528 (cont'd)

6 p.m. to 12 p.m. and is closed on Sunday. Ms. Harrington pointed out that under the previous management there was a lot of violence, but that she operates a very orderly bar.

Comments and Questions:

Mr. Jackere stated that Ms. Harrington's business must be 300 feet from a residentially zoned district and that her building wall is only 57 feet away from the residential district boundary.

Mr. Clugston pointed out that a hardship had to be demonstrated and that he could not see one in this case.

Protestants:

Will Arnold, 1507 South Columbia, Tulsa, Oklahoma, who lives around the corner from the bar and owns property at 15th and Columbia, stated that the presence of the bar would depreciate the business corner. He also pointed out that there is not sufficient parking for the club.

Ken Thomas, 2331 East 5th Place, Tulsa, Oklahoma, represented the Kendall Whittier neighborhood. He noted that at one time Whittier Square was a vital business area and that the location of a sexually-oriented bar would prevent businesses from locating there again.

John J. Davis, 2634 East 15th Place, Tulsa, Oklahoma, submitted a petition (Exhibit C-2) with 23 signatures protesting the sexually-oriented business operating at 2630 East 15th Street.

Board Action:

MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Variance (Section 750.2 - Location of sexually-oriented business - Use Unit 1214) to operate a sexually-oriented business within 300 feet of a residentially zoned district; finding that the applicant failed to demonstrate a hardship that would allow operation of a club of this nature; on the following described property:

Lot 5, Block 1, Jean Heights, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13529

Action Requested:

Special Exception - Section 710 - Principal uses permitted in the commercial districts - Use Unit 1225 - Request an exception to allow a automobile paint shop in a CG zoned district.

Use Variance - Section 710- Principal uses permitted in the commercial districts - Use Unit 1227 - Request a variance to auto salvage, located at 3242 North Peoria.

Case No. 13529 (cont'd)

Presentation:

Applicant, Graham Jones, 3242 North Peoria, Tulsa, Oklahoma, informed the Board that he is requesting a variance for an auto salvage in order that he can bid on wrecked vehicles and keep them on his property while they are in the process of being repaired. Mr. Jones also requested a special exception to permit his company to operate a paint shop in a CG zoned district.

Comments and Questions:

Mr. Gardner pointed out that the storage of inoperative vehicles is considered a junk operation and that some restrictions as to the type and number of cars kept on the lot would be in order.

Protestants

None.

Board Action:

On MOTION of CLUGSTON and SECOND by SMITH, the Board voted 3-0-1 (Clugston, Smith, Victor, "aye"; no "nays"; Chappelle, "abstaining"; Purser, "absent") to APPROVE a Special Exception (Section 710 - Principal uses permitted in the commercial districts - Use Unit 1225) to allow the operation of a paint and body shop in a CG zoned district; subject to all painting being done inside the shop and a Variance (Section 710 - Principal uses permitted in the commercial districts - Use Unit 1227) to permit the the storing and repairing of wrecked vehicles in a commercial district; subject to the the number of stored vehicles being no more than five; subject to no parts being stripped from wrecked automobiles to make repairs; finding a hardship imposed on the applicant in that his particular use is not spelled out in the Zoning Code; on the following described property:

Lots 5 and 6, Block 6, Wilshire Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13530

Action Requested:

Special Exception - Section 410 - Principal uses permitted in the residential districts Use Unit 1209 - Request an exception to allow a mobile home in a RS-3 zoned district.

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 permanently; located E of SE/c of 129th East Avenue & Reading.

Presentation:

The applicant, Mary Murray, 12942 East Reading Place, Tulsa, Oklahoma, asked the Board to allow the placement of a mobile home in a RS-3 zoned district. Ms. Murray explained that her father has a

Case No. 13530 (cont'd)

health problem and that she needs to be near in order to assist her parents. She stated that she is on a septic system and that she has obtained a percolation test.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 410 - Principal uses permitted in the residential districts - Use Unit 1209) to allow a mobile home in a 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 permanently; on the following described property:

Lot 4, Block 2, Garnett Garden Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13531

Action Requested:

Special Exception - Section 410 - Principal uses permitted in residential districts Use Unit 1210 - Request an exception to permit off-street parking in a RM-2 zoned district when abutting an office, commercial or industrial district, located W of SW/c of 10th Street and Lewis.

Presentation:

The applicant, Cox Auto Sales, was represented by Ben L. Murdock, 4332 South Birmingham, Tulsa, Oklahoma. Mr. Murdock informed that the motor company has approximately fifty employees and additional off-street parking is needed. He informed that Lots 4 and 5, which are adjacent to property already owned by Mr. Cox, would provide the space desired and create no additional hazard.

Protestants:

Fran Pace, 1326 South Florence, Tulsa, Oklahoma, stated that she is a member of The Citizens Coalition for City Development and that she has nothing against Mr. Cox, but views this extra parking lot as an intrusion into the neighborhood.

Comments and Questions:

Mr. Clugston inquired as to the principal use of the parking lot.

Mr. Cox stated that the area would be used for off-street parking and for storage of new cars.

Mr. Gardner pointed out that apparently the case had been improperly advertised and should be readvertised as a variance for storage of new cars, Use Unit 23.

Case No. 13531 (cont'd)

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 3-0-1 (Chappelle, Clugston, Smith, "aye"; no "nays"; Victor "abstaining"; Purser, "absent") to CONTINUE Case No. 13531 until May 16, 1985, to allow the applicant to readvertise.

Case No. 13532

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 5' side yard setback to 1' to permit an existing carport in a RS-3 zoned district, 2332 N. Atlanta Court.

Presentation:

The applicant, Betty Boerstler, 2332 North Atlanta Court, Tulsa, Oklahoma, presented photographs (Exhibit E-1) of an existing carport and asked that the Board permit a variance of the 5' side yard setback to 1'. Ms. Boerstler submitted photographs (Exhibit E-2) of numerous carports in her neighborhood that violate restrictions. Ms. Boerstler stated that she constructed a carport 1' from the property line and was unaware of the setback restriction. A signed petition (Exhibit E-3) was presented in favor of the applicant.

Comments and Questions:

Mr. Clugston asked the applicant if she obtained a building permit. Ms. Boerstler informed that she was not aware that one was needed, and the construction company that erected the carport made no mention of a permit.

Mr. Victor asked Ms. Boerstler when the project was completed. In answer to the question, the applicant stated that she thought it was finished last month.

Protestants:

Warren Morris, 2532 East 46th Place, Tulsa, Oklahoma, represented Mr. Martin who owns the two acres of land north of the subject property and is concerned with water run-off and the possibility of fire.

Board Action:

On MOTION of CLUGSTON and SECOND by VICTOR, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13532 until May 2, 1985 to allow the Board to view the site.

Case No. 13533

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 10' side yard setback to 0' to allow an existing carport in a RM-1 zoned district, located at 740 North Columbia Avenue.

Case No. 13533 (cont'd)

Presentation:

Applicants, James and Dorothy Blue, 740 North Columbia, Tulsa, Oklahoma, submitted photographs (Exhibit F-1) of the existing carport. Ms. Blue stated that they were unaware that they should obtain a building permit for the construction of the carport. The applicant explained that the next door neighbor is protesting their failure to meet the setback requirements and in turn, he has built a garage which is also extending across the setback.

Comments and Questions:

Mr. Gardner informed that the reason for a setback is so that there will be adequate space between structures in case of a fire. A 6' clearance is required between buildings.

Board Action:

On MOTION of SMITH and SECOND by CHAPPELLE, the Board voted (4-0-0, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13533 until May 2, 1985 to enable the Board to view the site and determine if the character and safety of the neighborhood would be affected if the carport were approved.

Case No. 13534

Action Requested:

Variance - Section 630 - Bulk and area requirements in the office districts - Use Unit 1211 - Request a variance of the 50' setback from the centerline of 46th Street to 32' to permit an existing office building in an OL zoned district, located on the NE/c of Harvard and 46th Street.

Presentation:

The applicant, Clay Sublett, explained that he is attempting to secure permanent financing for the subject property and the plat of survey (Exhibit X-1) indicates there is a 17.8' setback violation from the centerline of 46th Street.

Comments and Questions:

Mr. Gardner informed that the building in question is at least 50' from the centerline of 46th Street and that there is no violation of the City Zoning Code.

Mr. Jackere pointed out that the location of the building may violate the setback line on the subdivision, but does not violate the city setback restrictions in the Zoning Code.

Board Action:

On advice of the City Attorney, Mr. Smith, Chairman of the Board DISMISSED Case No. 13534 finding that the existing office building does not violate the required building setbacks in the Tulsa Zoning Code.

Case No. 13535

Action Requested:

Special Exception - Section 710 - Principal uses permitted in the commercial districts - Use Unit 1217 - Request an exception to permit a one time automobile sale in a CS zoned district, located at 10198 East Admiral Place.

Presentation:

The applicant, Avis Rent-A-Car, was represented by George Havelka, 6128 East 38th Street, Tulsa, Oklahoma. Mr. Havelka asked that the Board grant an exception to the zoning code to permit a one-time sale of automobiles on the parking lot at the Tulsa Federal Employees Credit Union. Approximately fifty cars will be displayed on May 18, 1985, from 9 a.m. until 2 p.m.. Members of the credit union will be given an opportunity to purchase the vehicles during these hours.

Comments and Questions:

Mr. Clugston asked Mr. Havelka if this type of sale occurred more than once a year. Mr. Havelka informed that there would probably be no more than one each year.

Mr. Jackere pointed out that if such a sale occurred once a year it would probably be an accessory to the principal use and that almost every lending institution periodically conducts a sale of this sort.

Board Action:

On MOTION of CLUGSTON and SECOND by SMITH, 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-Use Unit 1217) to allow a one-time automobile sale in a CS zoned district on May 18, 1985 from 8 a.m. until 5 p.m.; on the following described property:

All of Lot Three (3), Block One (1) and part of Lot Two (2), Block One (1), THE AMENDED PLAT OF BLOCK ONE, ROSEWOOD CENTER, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, more particularly described as follows, to-wit:

BEGINNING at the Northwest corner of Lot 3, Block 1, thence West 97.87 feet along the North line of Lot 2 to a point; thence S. 4°50'00" W. a distance of 88.00 feet to a point; thence S. 0°5'00" W. a distance of 56.00 feet to a point; thence S. 18°25'00" a distance of 6.63 feet; thence East a distance of 103.76 feet along the South line of Lot 2 to the Southwest corner of Lot 3; thence North 150.00 feet to the POINT OF BEGINNING.

Case No. 13536

Action Requested:

Special Exception - Section 710 - Principal uses permitted in commercial districts - Use Unit 1202 - Request an exception to permit a tent to be used for outdoor sales in a CS zoned district, located at 7030 South Memorial.

Presentation:

The applicant, K-Mart Corporation, 7030 South Memorial Drive, Tulsa, Oklahoma, was not present.

Board Action:

On MOTION of CLUGSTON and SECOND by SMITH, the Board voted 4-0-0 (Chappelle, Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13536 to May 2, 1985.

Case No. 13537

Action Requested:

Section 1680.1(g) Special Exception General - Use Unit 1210 - Request an exception to permit off-street parking in a residential district when abutting a commercial district, located at SE/c Admiral Ct. and Columbia Ave.

Presentation:

The applicant, Ken Weatherford, 5912 East 50th, Tulsa, Oklahoma, submitted photographs (Exhibit H-1) and a petition (Exhibit H-2) to the Board. Mr. Weatherford pointed out that parking is not permitted in front of his office and that some of his customers have been given tickets. He stated that the Board had approved a similar off-street parking request for a Quick-Trip in the area.

Comments and Questions:

Mr. Clugston asked Mr. Weatherford if the lots in question are vacant at this time. Mr. Weatherford said that he was in the process of erecting a fence on the portion of the lots that he had intended to use when there was a complaint, so the fence is incomplete, but there are no buildings on the lot.

Mr. Victor inquired if there would be materials stored in the area. The applicant stated that there would be no storage on the lots.

Mr. Gardner asked Mr. Weatherford if he owned the lot in 1982 when the parking was denied by the Board. Mr. Gardner pointed out that the lots were covered with junk at that time and in fact, there are materials stored directly behind the subject lots at this time. The applicant assured the board that the lots are clean and that they will not be used for any type of outside storage.

Mr. Smith informed that the parking lot would have to be asphalt or concrete and the applicant stated that he is aware of this.

Case No. 13537 (cont'd)

Protestants:

Ella Musingo, 2625 East Admiral Court, Tulsa, Oklahoma, stated that the lot is clean now, but that it is usually a mess and she thinks that once the parking lot is approved, he will put anything he wants on it.

Peggy Galloway, 1240 South 101st East Avenue, Tulsa, Oklahoma, represented her brother who lives in the area and pointed out that the lots were full of junk until just recently.

Board Action:

On MOTION of SMITH 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 1680.1(g) General - Use Unit 1210) to allow off-street parking in a residential district when abutting a commercial district; subject to parking being restricted to the south half of the lots on the application; subject to parking being limited to employees and customers, with no storage of fencing materials; and subject to the erection of a 6' screening fence on the east boundary; on the following described property:

South half of Lots 12 and 13, Ozark Place Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13538

Action Requested:

Variance - Section 1320(d) - Off-street parking and off-street loading - Use Unit 1206 - Request a variance to permit a mutual access easement for off-street parking on two individual lots in a RS-3 zoned district, located at 4548 East 28th Street.

Presentation:

The applicant, Thomas Kirk, 4548 East 28th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit I-1) and explained that he is asking the Board to permit him to enter his garage through his neighbors property. Mr. Kirk pointed out that he and his neighbor, Mr. Bush, have entered into a mutual agreement which would allow him to drive across property owned by Mr. Bush to gain entry to a two car garage which has no access road, located at 4548 East 28th Street.

Comments and Questions:

Mr. Clugston asked Mr. Gardner if this agreement would be a problem for future owners of the property. Mr. Gardner informed that the person buying the property would buy it with that condition known.

Mr. Gardner suggested that the Board insert something in the record that would prohibit the use of the garage for any type of business in the future.

Case No. 13538 (cont'd)

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Variance (Section 1320(d) - off-street parking and off-street loading - Use Unit 1206) permitting a mutual access easement for off-street parking on two individual lots in a RS-3 zoned district; finding a hardship imposed by applicant having no access to his garage without relief; and subject to the filing of a covenant stating that the garage will not be used for business or commercial activity; on the following described property:

Lot 4 and 5, Block 4, Budd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13539

Action Requested:

Special Exception - Section 710 - Principal uses permitted in the commercial districts - Use Unit 1217 - Request an exception to permit automobile sales in a CS zoned district.

Variance - Section 1217.3 - Use conditions - Request a variance to permit open air storage and display of merchandise within 300' of an adjoining residential district, located at 8420 East 21st Street.

Presentation:

The applicant, Billy Cox, 8420 East 21st Street, Tulsa, Oklahoma, asked the Board to permit the demolition of an existing house and construction of an office building at the above stated address. Mr. Cox stated that he has a client that would like to operate a used car lot at this location and that he intends to build to suit the tenant. He further stated that he is the owner of a lot at 17th and Memorial where Cierra Motors is located.

Comments and Questions:

Mr. Smith asked if there are any car lots in the immediate area. Mr. Cox pointed out that Precision Motors is about two blocks from the property in question on Memorial.

Mr. Victor asked Mr. Gardner what impact a car lot would have on the area. Mr. Gardner informed that these types of businesses tend to congregate and if a car lot is approved, you could expect several more car lots. He explained that the Comprehensive Plan and zoning pattern restricts everything east of the property to light office and that car lots require heavier zoning.

Board Action:

On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to DENY a Special Exception (Section 710 - Principal uses permitted in the commercial districts - Use Unit 1217) to permit automobile sales in a CS zoned district; and a

Case No. 13539 (cont'd)

Variance (Section 1217.3 - Use conditions) to permit open air storage and display of merchandise within 300' of an adjoining residential district; finding that the special exception violates the spirit and intent of the Code and the Comprehensive Plan; and finding that the applicant failed to demonstrate a hardship that would justify the variance request; on the following described property:

East 178' of Lot 1, O'Connor Park 2nd, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13541

Action Requested:

Special Exception - Section 710 - Principal uses permitted in commercial districts - Use Unit 1202/11 - Request an exception to permit a heliport in a CH zoned district, located at 1409 South Main.

Presentation:

The applicant, Tulsa Security Patrol, represented by Larry Gass, 1409 South Main, submitted photographs (Exhibit K-1). Mr. Gass requested that a helicopter service be permitted to operate in a CH zoned district. He pointed out that the Federal Aviation Administration has approved the location as well as the departure and approach routes. He noted that the roof at the present location had been used for landing purposes during the past eight years and that the area is clear of houses except for one residence which is located 135 feet from the property line of the heliport. Mr. Gass pointed out that there would be no activity after 10 p.m. and that the number of flights each week would be limited to approximately forty.

Comments and Questions:

Mr. Smith asked about the operation of the craft on Sunday during church services.

Mr. Gass stated that there would be no flights Sunday morning. He pointed out that the FAA is concerned with noise and has designated areas where flights would be restricted, such as schools, churches, etc.

Protestants:

Thomas Hobson, 1424 South Baltimore, who resides in the house adjacent to the heliport, pointed out to the Board that the odor produced by the craft is offensive and the loud noise generated by the engine is accentuated by the tall buildings. He noted that due to the extended warm up and cool down of the engine, he is exposed to the noise for several minutes. Mr. Hobson stated that since his retirement, he and his wife spend the major portion of their time at home. He said that he does not have air-conditioning and is forced

Case No. 13541 (cont'd)

to leave the windows open in the summer months and believes that the location of the helicopter service next door is an intrusion on the tranquility of his home. Mr. Hobson suggested that an alternative to the present location would be a nearby airport. He pointed out that the heliport has not been there for eight years, but has been in operation only since February.

Applicant's Rebuttal:

Mr. Gass informed that the warm up time for the craft is only two minutes in the summer months vs. four or five minutes in the winter. He pointed out that the breeze is from the south in the summer and that since the heliport is north of the Hobson home, the odor should be lessened. He stated that the copter is used by Channel 2 and occasionally for the sheriff's office. Mr. Gass informed that he does not locate at a nearby airport because there is no hanger space available.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Special Exception (Section 710 - Principal uses permitted in Commercial Districts - Use Unit 1202/11) to allow a heliport in a CH zoned district; subject to the approval of the FAA; and subject to approval of the Fire Marshall; on the following described property:

Lot 7, Block 1, Bayne Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13542

Action Requested:

Special Exception - Section 420 - Accessory uses in residential districts - Use Unit 1205 - Request an exception for a home occupation to allow a kennel for 7 dogs in an AG zoned district, located at 1339 North Mingo.

Presentation:

The applicant, Brenda Gregg, 1339 North Mingo, Tulsa, Oklahoma, stated that she has six dogs on her five acre tract of land. She pointed out that there have been no protests, but that she had been told that she could be fined for not having a kennel license. Ms. Gregg further stated that she has no intention of operating a kennel, but would only like to have permission from the Board to keep the six dogs that she now has.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Special Exception (Section 420 - Accessory uses in residential districts - Use Unit 1205) to allow applicant to have six dogs on a five acre tract

Base No. 13542 (cont'd)

of land which she owns; subject to no replacement of animals as they are deceased, eventually having a maximum of three dogs; on the following described property:

Begin 567.96' North and 100' East of SW/c of NW/4 NW/4 of Section 31, T-20-N, R-14-E, thence East 545', North 390', West 545', South 390' to point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13543

Action Requested:

Variance - Section 1320(d) General Requirements - Use Unit 1212 - Request a variance of the required off-street parking spaces to be located on the lot containing the principal use in a CH zoned district, located at 3616 East 11th Street.

Presentation:

The applicant, Kentucky Fried Chicken, 3636 East 11th Street, Tulsa, Oklahoma, was represented by John Morrison of Morrison and Smith Architects, Norman, Oklahoma, submitted a plot plan (Exhibit L-1). He stated that Kentucky Fried Chicken would like to locate a new store on a piece of property that consists of four lots. Mr. Morrison reported that they would like to file a tie agreement binding the four lots together in order that the owner will not be restricted to locating a structure on one lot and having parking on adjacent lots.

Board Action:

On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Variance (Section 1320(d) General Requirements - Use Unit 1212) to allow off-street parking spaces to be located on the lot next to the lot containing the principal use in a CH zoned district; subject to a tie contract between the lots; and subject to plot plans submitted; on the following described property:

Lots 1-4, Block 1, Harvard Heights SW/c 11th Street and Louisville, an addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Stuart Nyander — Request for Clarification of the Minutes and Actions
Regarding Cases #13459 & #13356

Mr. Nyander was concerned that the approval of above mentioned cases restricted the placement of windows in the structure on the east side. Mr. Gardner explained that the building is now meeting the setback restrictions and the approval of the revised plot plan does not prohibit windows on the east side of the building.

There was no further business. The Board was adjourned at 6:05 p.m.

Date Approved

May 2, 1985
Adrian M. Smith

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