

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 439
Thursday, May 16, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley		Gardner	Jackere, Legal
Chappelle		Jones	Department
Clugston		Moore	Hubbard, Protective
Purser,			Inspections
Acting Chairman			Burris, Code
White			Enforcement

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 14, 1985, at 11:50 a.m., as well as in the Reception Area of the INCOG offices.

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

ELECTION of OFFICERS:

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to elect Carlos Chappelle as Chairman of the Board of Adjustment for a one year term.

MINUTES:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 4-0-1 (Chappelle, Clugston, Purser, White, "aye"; no "nays"; Bradley "abstaining"; no "absentees") to APPROVE the Minutes of May 2, 1985.

UNFINISHED BUSINESS

Case No. 11929

Action Requested:

Special Exception - Section 410 Principal Uses Permitted in Residential Districts - Request to locate a duplex in an RS-3 District.

Variance - Section 430 Bulk & Area Requirements in Residential Districts - Request to allow a 10 (ten) foot setback from Jamestown Avenue and a variance of the minimum lot area to 7,500 square feet and frontage of 50 feet, located at the SE corner of 27th Place and Jamestown Avenue.

Presentation:

The applicant, Jim Barnes, 318 East 18th Street, stated that on April 29, 1982 the Board approved the Special Exception and the Variance stated above, subject to the submitting of final building plans. Final plans were presented to the Board (Exhibit X-1). The

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Case No. 11929 (continued)

applicant stated that the approval was subject to the existing house beeing torn down before work on the new facility began. Mr. Barnes asked that the Board permit him to leave the existing house until the duplex is completed, since the occupants of the house are planning to move to the duplex when construction is finished.

Comments and Questions:

Mr. Gardner pointed out that the duplex does have over 1,000 sq. ft. on each side and since the homes in the surrounding area have approximately 1100 sq. ft., it would be in harmony with the neighborhood.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to APPROVE the plans submitted subject to demolition of the existing structure being completed 6 months after completion of the duplex; on the following described property:

Lot 12, Block 10, Kirkmore Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13531

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts. Use Unit 1223 - Request a use variance to allow new and used car storage as well as off-street parking in an RM-2 district, located west of the SW/c of 10th Street and Lewis.

Presentation:

The applicant, Ray Cox, was represented by Ben Murdock, who presented the Board with a location map (Exhibit A-1) and aerial photographs (Exhibit A-2) of the two lots in question. Mr. Murdock explained that he is reappearing before the Board requesting a Use Variance which will permit the outside storage of new automobiles, in addition to previous application for a Special Exception which would permit employee parking and customer parking only. He pointed out that the lots in question are west of lots already owned by Mr. Cox, whose business has grown over the years and needs the additional storage space.

Protestants:

Fran Pace, 1326 South Florence Avenue, Chairman of District 4 Planning District, stated that \$36,000 has been set aside for rehab in the area immediately to the north. Ms. Pace stated that she feels the small area would be further impacted by additional commercial encroachments.

Case No. 13531 (continued)

Board Action:

On MOTION of CHAPPELLE and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to **APPROVE** a **Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1223) to allow new and used car storage as well as off-street parking in an RM-2 district; finding that the multiple zoning classifications on the property and the changing conditions of the area constitutes a hardship on the applicant; subject to screening requirements per the Code; on the following described property:

Lots 4 & 5, Hillcrest Park, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13552

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Units 1212/1219 - Request an exception to permit a billiard parlor and restaurant in an IL zoned district, located at 8548 East 41st Street.

Presentation:

Larry Evans, who represented Joseph McCormick, asked the Board to hear again a request for the operation of a 7,690 sq. ft. billiard parlor and restaurant at 8548 East 41st Street. Mr. Evans submitted a site plan (Exhibit Z-1) and pointed out that this application differed from the one submitted a year ago in that the business has leased an area from Semones Lighting which would provide an additional 35 parking spaces to add to the 85 spaces already on the site.

Comments and Questions:

Mr. Jackere pointed out that this application had originally come before the Board in 1979 and at that time this business was found to be incompatible with the industrial area. He further noted that the case was appealed to District Court and at that time a police officer testified that these kinds of uses in an industrial area make police protection very difficult and the decision of the Board was upheld. A few months later the applicant again came before the Board with the same request, along with the addition of a restaurant, which was denied.

Ms. Purser stated that the case had not changed significantly and the fact that there is more parking does not answer the concerns that were expressed previously. Ms. Purser asked Mr. Evans if he could present anything new that could support the application.

Mr. Evans stated that the distinguishing characteristic about this application is that the subject property fronts on 41st Street and almost all of the property that fronts that street are commercial and retail sales operations.

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Mr. Clugston pointed out that the parking is different from the previous applications, but the security issue has not changed.

Mr. Chappelle noted that the business in question is not compatible with the industrial area and is not different in substance from the previous applications.

Protestants:

Judy Helprin, 4153 South 87th East Avenue, pointed out that she owns property which is directly south and east of the proposed billiard parlor and is concerned with the activity that such a business would bring to the area in the evening.

Marlin Brown, owner of Tulsa Radiator Shop, 4119 South 87th East Avenue, stated that cars which are being repaired sometimes have to be left outside the building at night and he is concerned about the safety of the vehicles. Mr. Brown asked that the application be denied because the area is not zoned for this type of business.

Bill Rutherford, 8545 East 41st, states that his property is located across the street from the subject property and objects to having to spend so many hours rehearing the same application. Mr. Rutherford stated that the business is assuming that they will have the strip center for parking, because there are only approximately fifteen parking spaces directly in front of the building.

Board Action:

On MOTION of CHAPPELLE and SECOND by BRADLEY, the Board voted 4-1-0 (Bradley, Chappelle, Purser, White, "aye"; Clugston "nay"; no "abstentions"; no "absentees") to **DENY** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts Use Units 1212/1219) to permit a billiard parlor and restaurant in an IL zoned district; finding that the special exception request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

A tract of land containing 1.984 acres, more or less, located in the West Half of the Northeast Quarter of the Northwest Quarter (W/2 NE/4 NW/4) of Section 25, Township 19 North, Range 13 East of the Indian Base and Meridian, according to the United States Government Survey thereof, being more particularly described as follows, to-wit: Beginning at the Northwest corner of said West Half of the Northeast Quarter of the Northwest Quarter (W/2 NE/4 NW/4), thence due East along the North line of said W/2 NE/4 NW/4 a distance of 333.85 feet; thence due South at a right angle a distance of 66.96 feet to the Southerly right-of-way line of the Broken Arrow Expressway, said point being a POINT OF BEGINNING; thence due South a distance of 279.67 feet; thence due East a distance of 326.15 feet to a point on the East line of said W/2 NE/4 NW/4; thence due North and along the East line of said W/2 NW/4 NW/4 to its intersection with the Southerly right-of-way line of the Broken

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Arrow Expressway; thence Northwesterly along said right-of-way line a distance of 16.55 feet to a point of curve to the left with a radius of 2811.79 feet, said point beginning 95.87 feet South and 16.23 feet West of the Northeast corner of said W/2 NE/4 NW/4; thence Northwesterly along said curve a distance of 317.11 feet to the point of beginning.

NEW APPLICATIONS

Case No. 13554

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial District - Use Unit 1214 - Request a variance of the frontage requirement from 150' to 0' to permit a lot split with private access to a street in a CS zoned district, located at 8936 East Admiral Place.

Presentation:

The applicant, J. L. Watson, Rt. 2, Box 477, Catoosa, Oklahoma, submitted to the Board copies of Grant of Right of Sewage (Exhibit B-1), a driveway easement (Exhibit B-2) and a utility easement (Exhibit B-3) and stated that he is requesting a lot split on his property.

Mr. Gardner noted that TMAPC approved the lot split May 5, 1985 and it was subject to a mutual access agreement because it was located behind another business lot.

Interested Parties:

Hal Thomas, 130 South 91st East Avenue, stated that he is concerned what is to be put on the property. Mr. Gardner pointed out that at this time the owner is only applying for a lot split which would allow access to the property, thus allowing him to sell the back portion of the lot.

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, aye"; no "nays"; no "abstentions"; no "absentees") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in Commercial District - Use Unit 1214) to allow a variance of the frontage requirement from 150' to 0' to permit a lot split with private access easement to the street in a CS zoned district; subject to a mutual access agreement being filed; on the following described property:

Part of Lot 3, Block 5, Day Suburban Acres. Beginning at the NE/c of Lot 3, thence West 140', South 482.42', East 140', North 482.42' to the point of beginning, Tulsa County, Oklahoma.

Case No. 13555

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 SW/c of 131st East Avenue and 21st Street.

Presentation:

The applicant, Bob Compton, 8522 East 71st Street, Tulsa, Oklahoma, presented the Board with a plot plan (Exhibit C-1) of a proposed eleven bay car wash. Mr. Compton submitted photographs (Exhibit C-2) of existing car washes which he owns and operates. A parking area 255' wide and 74' deep will be provided for parking and detailing. The applicant stated that the proposed site is surrounded by vacant land.

Comments and Questions:

Mr. Chappelle inquired if the car wash would be in operation 24 hours each day. Mr. Compton stated that it would be open 24 hours and an attendant would be on duty from 7 a.m. until 9 p.m.

Protestants:

Robert Winter, 13111 East 21st Street, stated that his wife owns land across from the proposed car wash and believes that its construction will depreciate her property. Mr. Winter submitted photographs (Exhibit C-2) of a car wash at 71st and Memorial which is operated by Mr. Compton. He pointed out that there is litter in the area and that the dumpsters by the street are unsightly.

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to permit a car wash in a CS zoned district; subject to photographs submitted as representative of the type of condition; per plot plan; and subject to attendant being on duty from 7 a.m. to 9 p.m. in the summer months and 7 a.m. to 7 p.m. in the winter; on the following described property:

A part of Lot 2, Block 1, Mizell Center Addition, more particularly described as beginning at the Northeast corner of said Lot 2, thence West 255 feet, thence South 190 feet, thence East 255 feet, thence North 190 feet to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13556

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 side yard setbacks from 10' and 5' to 6' and 3.5' to permit an addition to an existing dwelling in an RS-2 zoned district, located at 2451 East 26th Place.

Case No. 13556 (continued)

Presentation:

The applicant, John Woolman, was represented by Attorney Steve Schuller, 610 South Main, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit D-1). Mr. Schuller explained that the applicant is converting the existing garage and adding a garage with an upstairs room to the front portion of the house. He pointed out that the new addition does not encroach on the side yard setback, but the existing portion is over the setback boundary.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206) of the side yard setbacks from 10' and 5' to 6' and 3.5' to permit an addition to an existing dwelling in a RS-2 zoned district; finding a hardship imposed on the applicant by the existing dwelling encroachments; subject to plot plan and building permit; on the following described property:

A part of Lots Six (6) and Seven (7), Block One (1), Woody-Crest Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows: Beginning on the North line of said Lot Six (6) at a point Ninety and Two-tenths (90.2) feet distant from the Northwestern corner thereof; thence in a Westerly direction along the Northerly line of Lots Six (6) and Seven (7), a distance of One Hundred Four (104) feet to a point on the North line of said Lot Seven (7), Thirteen and Eight-tenths feet distant from the Northeast corner thereof; thence in a Southerly direction along a straight line to the Southeast corner of said Lot Seven (7); thence in an Easterly direction along the Southerly line of said Lot Six (6) a distance of One Hundred Four (104) feet; thence in a Northerly direction along a straight line to the North line of said Lot Six (6) at a point Ninety and Two-tenths (90.2) feet distant from the Northwestern corner thereof, the point and place of beginning; except a portion of Lots Six (6) and seven (7), Block One (1), Woody-Crest Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof, beginning at a point on the North line of said Lot Seven (7), said point being Thirteen and Eight-tenths (13.8) feet West of the Northeast corner thereof; thence in a Southwesterly direction along a straight line extending from the point of beginning to the Southeast corner of said Lot Seven (7), a distance of One Hundred Twenty (120) feet to a point; thence in an Easterly direction across Lots Seven (7)

Case No. 13556 (continued)

and Six (6), a distance of One Hundred Four (104) feet to a point; thence in a Northeasterly direction 120.15 feet to a point on the North line of said Lot Six (6), said point being Ninety and Two-tenths feet East of the Northwest corner of said Lot Six (6); thence West along the North line of said Lots Six (6) and Seven (7), a distance of One Hundred Four (104) feet to the place of beginning.

Case No. 13557

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request an exception for a home occupation to permit an auto repair shop in an RS-3 zoned district, located at 2306 North Atlanta Avenue.

Presentation:

The applicant, Larry Sowell, 2306 North Atlanta, Tulsa, Oklahoma, submitted photographs (Exhibit E-1) and a support petition (Exhibit E-2) signed by his neighbors. Mr. Sowell stated that he would not have a sign or employees, but would be repairing cars in his garage as he has been for the past fifteen years.

Comments and Questions:

Ms. White inquired as to the number of vehicles that would be in the garage at any given time. Mr. Sowell stated that he would have approximately two cars parked in his garage to be worked on and one personal car.

Mr. Clugston asked if there are similiar home occupations in the area and Mr. Sowell pointed out that there is one a few houses down the street.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1206) for a home occupation to permit an auto repair shop in an RS-3 zoned district; finding that the use has been in operation for several years; is compatible with surrounding uses and does not violate the spirit and intent of the Code; on the following described property:

Lots 22 and 23, Block 3, Tulsa Heights, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13558

Action Requested:

Special Exception - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request an exception to permit a 33% floor area ratio to permit existing buildings in an OL zoned district.

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request a variance of the 10' setback from an abutting R district to 9' to permit an existing building and of the 50' setback from the centerline of Harvard to 32' to permit an existing parking area and business sign.

Variance - Section 1320 - General requirements - Request a variance to allow existing off-site parking in Harvard's right-of-way, located at 4625 South Harvard.

Presentation:

The applicant, Harvard Place, Ltd., was represented by George DeVerges, 1606 First National Bank Building, Tulsa, Oklahoma, who submitted a plot plan (Exhibit F-1). Mr. DeVerges pointed out that in September of 1981 an application was made and approved to permit 33% lot coverage as opposed to the required 25%, per plans submitted. The total area that would be permitted under 33% coverage would be 13,406 and the building is 13,344; however, the drawing submitted to the Board on the original application showed 13,066, which was an architectural error and needs to be clarified at this time. Mr. DeVerges stated that the NE/c of the building intrudes into the setback approximately 3" and is simply laid out crooked on the lot since the SE/c is approximately 3" inside the setback. Mr. DeVerges explained that according to the survey the portion of the parking lot West of the building sign is in the city right-of-way.

Case No. 13558 (continued)

Comments and Questions:

Mr. Gardner pointed out that any decision, made by the Board regarding the parking, would also require City Commission approval. Mr. DeVerges stated that he was advised by the City Commission that one of their requirements is, in the event of the widening of Harvard, the removal of the encroachment at the expense of the applicant.

Mr. Gardner stated that the Board should determine if the area of parking in the city right-of-way is required parking. Mr. DeVerges pointed out that the building has 50 additional parking spaces which is more than the required amount. He further stated that in the process of obtaining new financing for the building, a survey was required and these three items came to the attention of the owner.

There was discussion about the variance request. Mr. Jackere pointed out that the applicant does not need a variance approval from the Board to park in the street setback unless it is required parking, but may need permission from the City Commission.

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 4-1-0 (Chappelle, Clugston, Purser, White, "aye"; Bradley, "nay"; no "abstentions"; no "absentees") to APPROVE a Special Exception (Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211) to permit a 33% floor area ratio to permit existing buildings in an OL zoned district; and to APPROVE a Variance (Section 630 - Bulk and Area Requirements in the Office Districts) of the 10' setback from an abutting R District to 9' to permit an existing building and of the 50' setback from the centerline of Harvard to 32' to permit an existing parking area and business sign; and APPROVE a Variance (Section 1320 - General Requirements) to allow existing off-site parking in Harvard's right-of-way; finding the parking is not required parking, the 1 ft. building encroachment is minor, as is the sign location; subject to City Commission approval of the sign location and parking in right-of-way; on the following described property:

Lot 5, Block 3, Villa Grove Heights, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13559

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1214 - Request a variance of the 50' setback from the centerline of 11th Street to 35' to permit replacement of an existing pole sign in a CH zoned district.

Presentation:

The applicant, Chris Niemeyer, 4014 South Yale, Tulsa, Oklahoma, an employee of Silvernail Magnavox, submitted photographs (Exhibit G-1) and explained that his employer had moved his business to 4702 East 11th Street and would like to place the pole sign used at the previous location in front of the new store. Mr. Niemeyer stated that, in his opinion, the sign would not be visible from the street if the 50' setback is observed, and asked that permission be granted to have the sign in question placed in line with the Braums sign to the East.

Comments and Questions:

Ms. Bradley inquired as to the height of the new sign. The applicant stated that the sign would be approximately 25' high, which is slightly higher than the Braums sign.

Mr. Clugston asked the applicant if he knew how far the Braum's sign is from centerline of 11th Street. Mr. Niemeyer stated that it is 35' and that his request is modeled after theirs.

Protestants:

Fran Pace, 1326 South Florence Avenue, Tulsa, Oklahoma, spoke on behalf of the neighborhood and pointed out that signs are a plague in the area. Ms. Pace stated that many are placed on the right-of-way and according to PSO, present a safety hazard.

Board Action:

On MOTION of CLUGSTON, and SECOND by CHAPPELLE, the Board voted 3-2-0 (Chappelle, Clugston, Purser, "aye"; Bradley, White, "nay"; no "abstentions"; no "absentees") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) of the 50' setback from the centerline of 11th Street to 35' to permit replacement of an existing pole sign in a CH zoned district; subject to removal contract; finding a hardship imposed on the applicant by the nature of the area and existing signs being much closer to the street than the new Code requirements; finding that the use does not violate the spirit and intent of the Code or the Comprehensive Plan; on the following described property:

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Case No. 13559 (continued)

Lots 23 and 24, Block 1, Franklin Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 13560

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Units 1206/17 - Request an exception to permit a single family dwelling and a two bay auto mechanic garage in a CS zoned district, located east of the NE/c of 14th and Memorial.

Presentation:

The applicant, Richard Toney, 7500 East Apache, Tulsa, Oklahoma, who represented Mr. Paul Miller, owner of the property in question, and John Robinson, a prospective buyer, submitted a plot plan (Exhibit H-1) and photographs (Exhibit H-2) of the property in question. The applicant pointed out that Mr. Robinson is involved in auto repair and plans to construct a house and a two bay garage on the property. Mr. Toney presented the Board with a copy of the Floodplain Determination (Exhibit H-3).

Comments and Questions:

Mr. Clugston inquired as to the use of the property at this time. Mr. Toney stated that the property is vacant, except for an old storage building which will be removed.

Ms. Purser asked the applicant if the used car lot would stay on the corner. Mr. Toney pointed out that the car lot would stay and that the house and garage would be built on the adjoining lots to the east.

Ms. Bradley asked if ingress and egress would be on 14th Street. The applicant replied that the entrance would be on 14th Street.

Mr. Gardner informed that according to the plot plan submitted, the placement of the repair garage is next to a single family residence instead of next to the car lot. Mr. Gardner suggested that if the plan were reversed, the owners house would serve as a buffer between the neighbors house and the business. Mr. Toney stated that a reversal of the plans would be agreeable with the buyers of the property.

Protestants:

Lloyd Bauman, 8724 East 11th Street, Tulsa, Oklahoma, stated that he lives on the property to the east of the lot in question and he objects to the repair garage being constructed 20 feet from his residence. Mr. Bauman pointed out that he is concerned with the

Case No. 13560 (continued)

noise and feels that this business next door would interrupt the tranquil character of his home. He stated that he would not object to a reversal of the plans submitted, which would place the garage next to the existing car lot.

Rodney James, 8216 East 14th Street, Tulsa, Oklahoma, stated that he lives across the street from the property in question and would be in agreement with the construction of the repair garage if the plans were reversed to place the business next to the existing car lot.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Use Units 1206/17) to permit a single family dwelling and a two bay auto mechanics garage in a CS zoned district; subject to the single family dwelling being located on the east boundary of the property in question; and subject to the garage being located on the west boundary of the property, reverse of the plot plan; and subject to no work being performed outside the garage and no outside storage of parts of inoperative automobiles; on the following described property:

East ½ of Lot 8, Block 3, Forest Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13561

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 side yard setback from 5' to 3' to permit a carport in a RS-3 zoned district, located at 519 East Mohawk Boulevard.

Presentation:

The applicant, Fannie Clayton, 519 East Mowhawk, Tulsa, Oklahoma, presented photographs (Exhibit I-1) of the remodeling. Ms. Clayton stated that she would like permission from the Board to replace the wood posts, which support the carport, with wrought iron posts. She pointed out that these posts would encroach two feet on the side yard setback.

Case No. 13561 (continued)

Protestants:

Odin Williams, 543 East Apache, Tulsa, Oklahoma, represented Mr. Gaynor who lives in the residence directly east of the applicant. Mr. Williams stated that his client finds the existing carport to be obstructive, oppressive and congestive. Mr. Williams presented a letter (Exhibit I-2) in objection to the carport and pointed out that Mr. Gaynor would like for Ms. Clayton to conform with the setback.

Applicant's Rebuttal:

Ms. Clayton said that Mr. Gaynor has not conversed with her concerning the carport. She pointed out that it is open on all sides and that the iron posts would add to the appearance of the house.

Comments and Questions:

Ms. Purser asked why placement of the iron posts would make the carport closer to the fence. Ms. Clayton pointed out that she just wants to move the post out to the end of the roof line. She stated that every time the builders started work, Mr. Gaynor would go down and file some sort of charge and stop the construction.

Board Action:

On MOTION of CHAPPELLE and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to **CONTINUE** Case No. 13561 to May 30, 1985 to allow Staff and the Board to view the construction.

Case No. 13562

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1211/06 - Request a Use Variance to permit a family counseling service in an existing residence in an RS-2 zoned district.

Case No. 13562 (continued)

Presentation:

The applicant, James Moore, 6 East 22nd Street, Tulsa, Oklahoma, who submitted photographs (Exhibit J-1), explained to the Board that he is a psychologist and would like to provide funds to maintain his mother-in-law's home by operating a counseling service. He stated that his wife's mother is in need of 24 hour care and that the service would supply the necessary money for her demands and allow her to continue to live in her home.

Comments and Questions:

Ms. Purser pointed out that a hardship would need to be addressed that would apply to the property in question. Mr. Moore stated that the property would have to be sold to provide care for his mother-in-law.

Mr. Jackere asked if there was any reason why the house could not be used for a single family dwelling. Mr. Moore answered that there was no reason why it could not be used for this purpose.

Interested Parties:

Ms. James Moore, 6 East 22nd Street, Tulsa, Oklahoma, explained to the Board that her mother is in a nursing home, but would like to return to her home. She stated that if her husband could see patients three or four nights each week and they could pay the utilities and maintain the house.

Protestants:

A petition (Exhibit J-1) in opposition to the counseling service, and letters of protest (Exhibit J-2) were presented to the Board. Approximately 40 protestants were present in the audience.

Board Action:

On MOTION of CHAPPELLE and SECOND by BRADLEY, the Board voted 3-0-0 (Clugston, Smith, Victor, "aye"; no "nays"; no "abstentions"; Chappelle, Purser, "absent") to DENY a Use Variance (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1211/06) to permit a family counseling service in an existing residence in a RS-2 zoned district; finding no hardship as related to the property: on the following described property:

The West 25' of Lot 20 and all of Lot 19, less and except the North 53' of the West 42' of Block 7, Brentwood Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13563

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request an exception for a home occupation to allow a two chair beauty shop in an RS-3 zoned district.

Presentation:

The applicant, Pam Fanning, 37 South 66th East Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit K-1) and informed the Board that she would like to have permission to convert her garage to a beauty salon.

Comments and Questions:

Ms. Purser inquired as to the hours of operation of the beauty shop. The applicant stated that she would probably work from 8 a.m to 4 p.m.

The applicant was given a copy of the rules of a home occupation and Ms. Purser pointed out that she could not have an employee under these rules.

Ms. White asked if the parking was adequate for the business. Ms. Fanning pointed out that there is rear parking for a strip center across the street from her home and that there are very few cars that park behind the stores.

Mr. Chappelle asked why the applicant has a need for two chairs since she would not be allowed to have an employee. Ms. Fanning informed that her sister-in-law has just graduated from beauty school and she may want to work later.

Mr. Gardner noted that two stations in a beauty shop would generate twice as much activity in the residential neighborhood.

Board Action:

On MOTION of BRADLEY and SECOND by CHAPPELLE, the Board voted 4-1-0 (Bradley, Chappelle, Purser, White, aye"; Clugston, "nay"; no "abstentions"; no "absentees") to APPROVE a Special Exception (Section 420 - Accessory Uses in Residential Districts - Use Unit 1206) to allow a 1 chair beauty shop in a RS-3 zoned district; subject to hours of operation being 8 a.m. to 4 p.m., Monday through Saturday; on the following described property:

Lot 18, Block B, Crestview Estates, an addition to the City of Tulsa, Tulsa County, Oklahoma.

05.16.85:439(16)

Case No. 13564

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to allow a day care center in an RS-3 zoned district, located west of the NW/c of 42nd Street North and Mingo.

Presentation:

The applicant, Martin Hedley, 1911 East 61st Court North, Tulsa, Oklahoma submitted a plot plan (Exhibit L-1) of a proposed day care center. Mr. Hedley noted that he and his wife own 1.6 acres at the above stated address and plan to construct a 4,900 sq. ft. building to be used for child care. He pointed out that the facility would accommodate approximately 100 children and that there is a demand for such a business in the area. Mr. Hedley told the Board that the total number of cars in the neighborhood is expected to increase by a total of 75 in the morning and evening. He stated that a privacy fence will be constructed around the playground area.

Comments and Questions:

Ms. Purser asked what industrial uses are north of the proposed facility. Mr. Hedley replied that it is all open land except for Preston Easton foundry.

Mr. Gardner informed that this is the old Mingo community and is surrounded on all four sides by industry.

Ms. Purser inquired as to the hours of operation for the business and the applicant stated that the center would be open from 6 a.m. to 6:30 p.m.

Ms. Bradley asked if there is sufficient parking for the employees and Mr. Hedley pointed out that there is adequate parking for the eleven employees and twenty additional parking spaces for visitors.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, aye"; no "nays"; no "abstentions"; no "absentees") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to allow a day care center in an RS-3 zoned district; finding the business to be harmonious with the

Case No. 13564 (continued)

neighborhood; per plot plan submitted; on the following described property:

E. 63 1/3' of N/2 Lot 5 and N/2 Lot 4 and W. 63 1/3' E. 126 2/3' of S/2 Lot 4, Block 1, Mohawk Village, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13565

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance to permit an existing and proposed accessory building to have an aggregate floor area of 962 sq. ft. in an RS-3 zoned district, located at 1404 North Kingston Place.

Presentation:

The applicant, Grant French, 1404 North Kingston Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1) and asked the Board to grant him permission to construct a two-car detached garage at the above stated address. Mr. French explained that he lives in an older home with a small garage and needs the building to park his personal automobiles.

Comments and Questions:

Ms. Purser asked if the garage is to be 962 sq. ft. and the applicant pointed out that the new garage will be 736 sq. ft. and an existing accessory building will make a total of 962 sq. ft. of floor area.

Ms. Purser asked Mr. French if he ever worked on cars and the applicant replied that he only works on his personal vehicles.

Board Action:

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) to permit an existing and proposed accessory building to have an aggregate floor area of 962 sq. ft. in an RS-3 zoned district; finding that the proposed structure is not injurious to the neighborhood and is located on a corner lot; per submitted plot plan; on the following described property:

Lot 13, Block 2, Maplewood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13566

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1211 - Request an exception to allow

Case No. 13566 (continued)

a one time automobile sale in a CS zoned district, located on the NE/c of 41st Street and Garnett.

Presentation:

The applicant, Oklahoma Central Credit Union, 11335 East 41st Street, Tulsa, Oklahoma, was represented by George Helveka, an employee of Avis Rent-A-Car. Mr. Helveka asked the Board to allow a one time sale of automobiles on June 22, 1985, from 9 a.m. until 2 p.m. The cars will be placed on the parking lot for the members of the credit union to purchase.

Board Action:

ON MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to allow a one time automobile sale in a CS zoned district; subject to hours being 9 a.m. to 2 p.m., June 22, 1985; on the following described property:

Part of Lots One (1) and Two (2), Block One (1), EAST VUE CENTER, An Addition in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows, towit: Beginning at the Northwest corner of Lot 2, Block 1, thence East 610.00 Feet to the Northeast corner of Lot 2, thence South 0 deg. 16'00" East a distance of 610.00 feet to the Southeast corner of Lot 2, thence due West a distance of 460.00 feet, thence North 0 deg. 16'00" West a distance of 350.00 feet; thence West 150 feet to point on the West line of Lot 2, thence North 0 deg. 16'00" West a distance of 260.00 feet to point of beginning, LESS a part of Lot 2, Block 1, being more particularly described as follows: Beginning at the Northwest Corner of Lot 2, Block 1, thence due East along the North line thereof a distance of 408.00 feet; thence S 0 deg. 16'00" E a distance of 212.00 feet; thence due West a distance of 408.00 feet to a point on the West line of said Lot 2, Block 1; thence N 0 deg. 16'00" W along said West line a distance of 212.00 feet to the point of beginning,, containing 1.986 acres or 86,495.06 square feet, more or less, AND LESS Beginning at the Southeast corner of said Lot 2, Block 1, thence due West along the South line thereof a distance of 202.00 feet; thence N 0 deg. 16'00" W a distance of 610.00 feet to a point on the North line of said Lot 2, Block 1; thence due East along said North line a distance of 202.00 feet to the Northeast corner of said Lot 2, Block 1; thence S 0 deg. 16'00" E along the East line thereof a distance of 610.00 feet to the Point of Beginning, containing 2.828 acres or 123, 218.67 square feet, more or less, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13567

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 25' setback to 15' and of the 60' lot width to 56.94', 52.72' and 57.02' to permit a subdivision plat in an RS-3 zoned district, located north of 86th Street and Pittsburg.

Presentation:

The applicant, Jack Cox, 7935 East 57th Street, Tulsa, Oklahoma, asked the Board to allow a variance in the setback requirements on lots in the subdivision at the above stated location. A plot plan (Exhibit N-1) was submitted. Mr. Cox stated that this is a customary procedure, all lots are internal and will not affect any of the adjacent property.

Comments and Questions:

Mr. Clugston asked if the lots in question are in a cul-de-sac. Mr. Cox pointed out that the lots needing a frontage variance are in a cul-de-sac and are not undersized. The setback variances are corner lots.

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206) of the 25' setback to 15' for Lots 5 and 9, Blk 3, and of the 60' lot width to 56.94', 52.72' and 57.02' for Lots 5, 6, 7 of Blk 2, to permit a development of the subdivision plat as submitted, in an RS-3 zoned district; finding a hardship demonstrated by the irregular shape of the lots; per plot plan; on the following described property:

Beginning at the Northeast corner of N/2 NE/4 SW/4, Section 16, T-18-N, R-13-E, thence S 00°07'35" E a distance of 659.02 feet to a point; thence S 89°53'29" W a distance of 718.56 feet to a point; thence N 13°45'40" E a distance of 140.39 feet to a point; thence N 16°07'53" W a distance of 205.70 feet to a point; thence N 13°18'34" W a distance of 125.97 feet to a point on the North line of said N/2 NE/4 SW/4; thence N 89°53'46" E along said North line a distance of 786.10 feet to the Point of Beginning, containing 11.0866 acres more or less.

Case No. 13568

Action Requested:

Variance - Section 430.1 - Bulk and area requirements in the RS, RD and RM Districts - Use Unit 1205 - Request a variance of the 85' setback from the centerline of Peoria and of the 50' setback from the centerline of 17th Street to permit additions to an existing synagogue in an RS-3 zoned district.

Variance - Section 440.7 - Special Exception Uses in Residential Districts, Requirements - Request a variance to permit greater than 50% building coverage of a lot, located on the SW/c of 17th Street and Peoria.

Case No. 13568 (continued)

Presentation:

The applicant, Stewart Nyander, 717 South Houston, Tulsa, Oklahoma, submitted a plot plan (Exhibit O-1) for a new addition to an existing building and a canopy. Mr. Nyander pointed out that the addition is further back than the existing building which is 58' from the centerline of Peoria. The canopy protrudes toward 17th Street and is built on the property line. The playground and the parking lot are located across the street from the synagogue. The applicant stated that the building, playground and school take up more than 50% of the lot. Mr. Nyander pointed out that the addition will be used for auxiliary uses and does not require additional parking.

Comments and Questions:

Mr. Clugston asked the applicant to explain the auxiliary uses. Mr. Nyander noted that the addition would be used for conferences and would be a type of all-purpose room.

Mr. Gardner pointed out to the Board that they are not covering more than 50% of what they own, just 50% of this lot. If the property were continuous and not bisected by the public streets, the applicant would be within the Code. Mr. Gardner further noted that the Board should be aware that the canopy extending to the property line should not be enclosed now or in the future.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1205) of the 85' setback from the centerline of Peoria and of the 50' setback from the centerline of 17th Street to permit additions to an existing synagogue in a RS-3 zoned district; and **APPROVE** a **Variance** (Section 440.7 - Special Exception Uses in Residential Districts, Requirements) to permit greater than 50% building coverage of a lot; finding a hardship imposed on the applicant by existing setback encroachments and separation of the total property by public streets; per plot plan submitted; on the following described property:

The North 125 feet of the East Half of Block 12, MORNINGSIDE ADDITION, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13569

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 bulk and area requirements to permit construction of single family dwellings in a proposed subdivision in an RS-1 zoned district.

Presentation:

The applicant, Phillip Smith, was represented by Adrian Smith, 5157 East 51st Street, Tulsa, Oklahoma, who submitted a plat map

Case No. 13569 (continued)

(Exhibit P-1) to the Board. Mr. Smith pointed out that he represents Quail Point Development Company and that the area is on septic tanks and each buyer is required to submit plans to the Health Department for approval. He pointed out that the houses in the area are large and will require long lateral lines. Mr. Smith stated that they will need all the buildable room available on the lot. Mr. Smith asked for 30' front building setback lines for all of the lots in the subdivision.

Protestants:

D.K. Hallway, 3700 East 111th Street, Tulsa, Oklahoma, expressed his concern about the number of houses that would be built on the eleven acres. He pointed out that the subdivision has greater density than has been experienced along that part of 111th Street. Mr. Hallway also expressed concern that the water wells would be polluted by the added number of septic tanks.

Comments and Questions:

Mr. Gardner pointed out that the lots in the subdivision in question are the same size as those in the abutting subdivision to the west.

Mr. Smith informed that the Health Department has approved the plat.

Ms. Bradley asked what the lot increase would be by the granting of this variance. Mr. Smith answered that approximately 1½ lots would be lost if the variance were not granted.

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 5-0-0 (Bradley, Chappelle, Victor, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM districts, Use Unit 1206) of the bulk and area requirements to permit construction of single family dwellings in a proposed subdivision in an RS-1 zoned district; finding that the irregular lot shape imposes a hardship; per plot plan; on the following described property:

The West 778' of the S/2 of SE/4 of the SE/4 Sec. 28- T18N - R13E
- Tulsa County, State of Oklahoma. (11.78 acres) (18 lots)

Case No. 13570

Action Requested:

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

Use Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1217 - Request a use variance to allow automobile sales in an RS-2 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 R district, located at 6200 South Lewis.

Case No. 13570 (continued)

Presentation:

The applicant, Mary Karlovich, 2727 East 21st Street, Tulsa, Oklahoma, pointed out to the Board that the name of the business is Auto Adjusters and they are leasing approximately 400 sq. ft. of the building for rental of automobiles. The applicant stated that the cars would be parked on the rear lot and there would be no more than 15 vehicles on the lot at any given time.

Comments and Questions:

Ms. Purser asked what kind of cars are leased by the company. Ms. Karlovich replied that the cars used in the business are late model Plymouths.

Mr. Clugston asked if the creek runs behind the building in question and the applicant noted that Joe Creek is directly behind the parking lot.

Staff pointed out that the property in question is south of the RS-2 property and therefore no use variance is needed.

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217) to allow storage of automobile in a CS zoned district for rental purposes only; subject to no sale of automobiles on the property; to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1217) to allow automobile sales in an RS-2 zoned district; finding that the building in question is located in a CS zoned district; and to **APPROVE** a **Variance** (Section 1217.3 - Use Conditions) to permit open air storage and display of merchandise within 300' of an adjoining R district; subject to a maximum of 15 cars being stored on the rear parking lot only; finding that the residential zoned area directly behind the property is a creek and void of residential development; on the follow described property:

Lots 19 ^{THRU 22} and 20, Pecan Acres, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13571

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to allow a Head Start Program at Woods Elementary School in an RS-3 zoned district under the provisions of section 1680, located at 1661 East Virgin.

Case No. 13571 (continued)

Presentation:

The applicant, Juanita Mansker, 764 East Virgin, Tulsa, Oklahoma, asked the Board to permit the operation of a head start center at the above stated school. Ms. Mansker noted that the number of children will be determined by the Department of Human Services. The applicant stated that a 2' by 3' sign designating the entrance would need to be in place. She stated that funds are available for 395 children in Tulsa County, and the centers are located in 11 different areas.

Comments and Questions:

Ms. White asked if the days and hours of operation are the same as the school. Ms. Mansker stated that the hours would vary to meet the needs of the families involved.

Ms. Purser inquired as to the ages of the children in the Head Start Program. The applicant stated that children ages 3 to 5 are served and all phases of the program are under the guidelines of the Federal Government.

Ms. Bradley asked if the children are fed while at the school. Ms. Mansker pointed out that the school is required to supply 2/3 of their daily requirements, and in some instances three meals are served. She stated that the Tulsa Public Schools are offering free space, and that a program is now in operation at Remington.

Mr. Jones informed that since this is a Use Unit 5 it would be subject to the platting requirement, which has been waived by the Planning Commission.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 4-0-1 (Bradley, Clugston, Purser, White, "aye"; no "nays"; Chappelle, "abstaining"; no absentees") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts) to allow a Head Start Program at Woods Elementary School in an RS-3 zoned district under the provisions of section 1680; subject to approval by the Department of Human Services; on the following described property:

The NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ LESS the South 40 feet thereof, both tracts situated in SECTION 30, T-20-N, R-13-E, Tulsa County, Oklahoma according to the U.S. Government Survey thereof and lots 4 - 12 inclusive, Block 1, all of Blocks 2, 3, 4, and 5, Coots Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, Blocks 1 and 2, Carver Heights Second Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and Blocks 1 and 2, Carver Heights Third Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, containing 40.20 acres more or less, LESS any existing street R W through or adjacent to the above, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13573

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to allow a Head Start Program at Jackson Elementary School in an RS-3 zoned district, located at 2137 North Pittsburg.

Presentation:

The applicant, Juanita Mansker, 764 East Virgin, Tulsa, Oklahoma, asked the Board to permit the operation of a head start center at the above stated school. Ms. Mansker noted that the number of children will be determined by the Department of Human Services. The applicant stated that a 2' by 3' sign designating the entrance would need to be in place. She stated that funds are available for 395 children in Tulsa County, and the centers are located in 11 different areas.

Comments and Questions:

Ms. White asked if the days and hours of operation are the same as the school. Ms. Mansker stated that the hours would vary to meet the needs of the families involved.

Ms. Purser inquired as to the ages of the children in the Head Start Program. The applicant stated that children ages 3 to 5 are served and all phases of the program are under the guidelines of the Federal Government.

Ms. Bradley asked if the children are fed while at the school. Ms. Mansker pointed out that the school is required to supply 2/3 of their daily requirements, and in some instances three meals are served. She stated that the Tulsa Public Schools are offering free space, and that a program is now in operation at Remington.

Mr. Jones informed that since this is a Use Unit 5 it would be subject to the platting requirement, which has been waived by the Planning Commission.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 4-0-1 (Bradley, Clugston, Purser, White, "aye"; no "nays"; Chappelle, "abstaining"; no absentees") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in the Residential Districts) to allow a Head Start Program at ~~Woods~~ Elementary School in an RS-3 zoned district under the provisions of section 1680; subject to approval by the Department of Human Services; on the following described property:

SW/4 of the SW/4 of the NE/4 Section 28, T-20-N, R-13-E, Tulsa County.

Case No. 13574

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to allow a Head Start Program at Mark Twain Elementary School in an RM-1 zoned district, located at 541 South 43rd West Avenue.

Presentation:

The applicant, Juanita Mansker, 764 East Virgin, Tulsa, Oklahoma, asked the Board to permit the operation of a head start center at the above stated school. Ms. Mansker noted that the number of children will be determined by the Department of Human Services. The applicant stated that a 2' by 3' sign designating the entrance would need to be in place. She stated that funds are available for 395 children in Tulsa County, and the centers are located in 11 different areas.

Comments and Questions:

Ms. White asked if the days and hours of operation are the same as the school. Ms. Mansker stated that the hours would vary to meet the needs of the families involved.

Ms. Purser inquired as to the ages of the children in the Head Start Program. The applicant stated that children ages 3 to 5 are served and all phases of the program are under the guidelines of the Federal Government.

Ms. Bradley asked if the children are fed while at the school. Ms. Mansker pointed out that the school is required to supply 2/3 of their daily requirements, and in some instances three meals are served. She stated that the Tulsa Public Schools are offering free space, and that a program is now in operation at Remington.

Mr. Jones informed that since this is a Use Unit 5 it would be subject to the platting requirement, which has been waived by the Planning Commission.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 4-0-1 (Bradley, Clugston, Purser, White, "aye"; no "nays"; Chappelle, "abstaining"; no absentees") to APPROVE a Special Exception (Section 410 - 410 - Principal Uses Permitted in the Residential Districts) to allow a Head Start Program at Woods Elementary School in an RS-3 zoned district under the provisions of section 1680; subject to approval by the Department of Human Services; on the following described property:

Blocks 14, 15, and 16, Verndale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13576

Action Requested:

Variance - Section 620.2 (d) - Accessory Use Conditions - Use Unit 1211 - Request a variance to permit on-premise signs that are larger than the code permits in a OMH zoned district.

Presentation:

The applicant, Rachel Huggins, P.O. Box 2300, Tulsa, Oklahoma, is an employee of the Bank of Oklahoma. She pointed out that one of the banks is moving to 4200 East Skelly Drive and the zoning requirements at the new location restrict the size of a sign to 32 sq. ft.; however the two signs that are proposed for the building are 40 sq. ft. and 70 sq. ft. Ms. Huggins presented a plot plan (Exhibit Q-1) and explained that the complex is very large and has no identification. The applicant submitted a letter of support from the neighbors in the area (Exhibit Q-2). Photographs (Exhibit Q-3) of the ground signs which will be placed on either side of the building were submitted.

Board Action:

On MOTION of VICTOR and SECOND by CLUGSTON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to APPROVE a Variance (Section 620.2 (d) - Accessory Use Conditions - Use Unit 1211) to permit two on-premise signs, one 40 sq. ft. and the other 70 sq. ft., in an OMH zoned district; per plot plan; finding that the size of the complex imposes a hardship on the applicant; on the following described property:

BEGINNING AT A POINT on the North right-of-way line of East 51st Street South, said point being the Southeast corner of Lot 2, MORELAND SECOND, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, thence 89°59'32" West along said North right-of-way line a distance of 498.89'; thence North 0°07'40" East a distance of 470.12' to a point on the South right-of-way line of East Skelly Drive; thence North 72°23'34" East along said right-of-way line a distance of 107.32'; thence North 66°53'24" East a distance of 428.04' to the Northeast corner of Lot 2; thence South 0°09'32" East along the East line of said Lot 2 a distance of 670.65' to the point of beginning and containing 281,569 square feet, or 6.46 acres, more or less.

05.16.85:439(27)

Case No. 13581 (continued)

Presentation:

The applicant, Tom Quinn, 7419 South Jackson, Tulsa, Oklahoma, presented the Board with a site plan (Exhibit U-1) and explained that he requested a permit for a 672 sq. ft. outdoor advertising sign on April 12, 1984, and on May 15, 1984, the permit was granted.

The applicant stated that the sign is on property owned by the Atchison, Topeka and Santa Fe Railroad and is east of Lansing and west of Highway 75 North. Mr. Quinn pointed out that the only R district within 300' of the sign is the expressway which is zoned RM-1.

Comments and Questions:

Ms. Purser asked why he was coming before the Board and the applicant stated that he had been asked to remove the sign from the RM-1 district.

Mr. Clugston asked if the sign was built according to the plans submitted and Mr. Quinn stated that the sign is constructed exactly in accordance with the plans.

Mr. Gardner asked Mr. Quinn if he knew what the property was zoned when the application for the sign was made and the applicant stated that he did not.

Mr. Gardner informed that in this instance the applicant would have had to come before the Board to get approval for the sign in the RM-1 district; therefore, the filing fees should not be refunded.

Ms. Bradley inquired as to what phase of construction the sign was in when it was discovered that it had been placed in a residential area instead of industrial. Mr. Quinn stated that the sign was complete and in place when the error was pointed out.

Board Action:

On MOTION of CHAPPELLE and SECOND by CLUGSTON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to **UPHOLD** the Decision of the Sign Inspector, and **DENY** the Appeal (Section 1650 - Appeals From the Building Inspector) to allow an outdoor advertising sign; to **APPROVE** a Use Variance (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1221) to allow an outdoor advertising sign in a RM-1 zoned district; finding the RM-1 district is railroad right-of-way and across from industrial zoning; and to **DENY** a Request for the refund of application fees; on the following described property:

05.16.85:439(32)

Case No. 13581 (continued)

Commencing at the NE/c of Section 36, T-20-N, R-12-E thence West 1450' and South 2300' to the P.O.B., thence East 100', thence North 100', thence West 100', thence South 100' to the P.O.B., limited to A.T. & S.F Railroad R.O.W. only, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 11806

Consideration of revised site plan for Case No. 11806 approved by the Board on 2/18/82. Location 660' west of NW/c of 71st and Lewis.

Presentation:

Tom Creekmore, 201 West 5th Street, represented the owners of the Yorktown Office Building which is located on a part of Yorktown 71 addition across from the Kensington Galleria. The applicant asked the Board to approve an amended plot plan and noted that at the time of application two lots were tied together for the purpose of floor area ratio and parking. Mr. Creekmore pointed out that the owner would now like to use one of these lots for another purpose and has provided the same amount of parking just north of the building and would like the revised site plan approved which has the additional area and parking to the north. A site plan was submitted (Exhibit W-1).

Board Action:

On MOTION of CLUGSTON and SECOND by CHAPPELLE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, Purser, White, "aye"; no "nays"; no "abstentions"; no "absentees") to APPROVE a revised site plan for Case No. 11806 to allow 46 parking spaces to be moved from the east side of the building to the north side; on the following described property:

SW/4, SE/4, SW/4, Section 6, Township 18 North, Range 13 East - E 71st and Yorktown, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 7:10 p.m.

Date Approved

6.13.85



Chairman

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