

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 440
Thursday, May 30, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle, Chairman Bradley White		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, May 28, 1985, at 12:50 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:00 p.m.

MINUTES:

Approval of the Minutes for May 16 was continued until June 13, 1985.

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE the minutes of Case No. 13552 from the May 16 Board of Adjustment Meeting.

Action Requested:

Consideration of bus shelter No. R-104-A, located on Lewis Avenue at 73rd Street.

Presentation:

Gary Crawford, President of Public Transit Shelters, presented a location plan (Exhibit X-1) to the Board, and explained that the shelter had been requested in writing by a Homeowners Association in the area (Exhibit X-2). Mr. Crawford stated that the shelter had been cleared with Traffic Engineering and the Transit Authority.

Comments and Questions:

Mr. Gardner explained that these shelters are in the city right-of-way and have been approved, but the Board reviews those that are located in light office or residential areas. The subject shelter is in a residential area and has an advertising sign, thus, needs approval of the Board.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE bus shelter No. R-104A, located on Lewis Avenue at 73rd Street.

UNFINISHED BUSINESS

Case No. 13541 - Rehearing

Action Requested:

Special Exception - Section 710 - Principal uses permitted in commercial districts - Use Unit 1201/11 - Request an exception to permit a heliport in a CH zoned district, located at 1409 South Main.

Presentation:

The applicant, Tulsa Security Patrol, was represented by Larry Gass, Route 1, Siloam Springs, Arkansas, who submitted to the Board copies of the minutes from the April 18 Board of Adjustment meeting (Exhibit A-1) and photographs (Exhibit A-2) of the heliport in question. Mr. Gass stated that at that time the special exception to permit the heliport was approved and the location had also been approved by the Fire Marshall and the Federal Aviation Association. He pointed out that he would just state the same case that he had presented at the previous meeting, and that the information submitted at that time was not erroneous. Mr. Gass informed that the business has been in operation at the present location for the past 8 years and is a private heliport which has been used for TV news gathering and has aided the County Sheriff on several occasions. Several letters (Exhibit A-3) from aircraft storage facilities were submitted to the Board.

Comments and Questions:

Mr. Chappelle asked how many times the helicopter would take off and land each month. Mr. Gass answered that it would land on the location approximately twice each day which would be about 40 times in a month, and that there would be no activity after 10 p.m.

Mr. Jackere asked if the Security Patarol monitored and responded to security devices of industrial or commercial buildings. Mr. Gass informed that the patrol has done this, but does not do it on a regular basis.

Ms. Bradley inquired why the helicopter would need to be stationed on a building roof and Mr. Gass answered that the craft has many intricate parts and needs to be kept under security. He further stated that 24 hour access is needed and this type of storage is very expensive and not always available at airports.

Ms. Noe informed that the heliport is located 102' from the Hobson residence and that there is a boarding home for single men on the other side which is even closer. She pointed out that this is a very active area and the helicopter could be a danger to people around the building. Ms. Noe noted that several airports in the area have been contacted and they have supplied hanger space availability and prices (Exhibit A-4). She further informed the Board that Don Powers of the Tulsa Airport Authority has been contacted (Exhibit A-5) with regard to safety procedures and he stated that it's customary for the joint Airport Zoning Board to grant permission for this operation and 15 others in the city if

Case No. 13541 (continued)

make recommendations and they have not had the opportunity to do so in this case. Ms. Noe stated that, based upon the required clearances in the area, Mr. Powers is of the opinion that this is an unsafe situation.

Protestants:

Thomas Hobson, 1424 South Baltimore, stated that his residence is located across the alley to the east of the Tulsa Security Patrol. He pointed out to the Board that the building next door has not been used as a heliport for the 8 years they have occupied the building. Mr. Hobson stated that he and his wife have had to endure the objectionable characteristics of the helicopter for almost 4 months. He stated the noise, odor and the possible structural damage are a concern. He further pointed out that he has observed 4 other helicopters using the location to land and take off. Mr. Hobson stated that the heliport was not used at all during 14 days in May, but that there were 48 departures and arrivals during 16 days of the same month.

Applicant's Rebuttal:

Mr. Gass pointed out that he and Ms. Noe had correspondence from the same company, in which one stated that there was no available hanger space and the other stated that space was available. He stated that the helicopter was being repaired during the 14 days in May when there was no activity at the heliport. He noted that a trip is out and back and therefore the 48 departures and arrivals is actually 24 trips. Mr. Gass stated that, in his opinion, the FFA would not grant permission for this operation and 15 others in the city if they were considered unsafe. He noted that a new type of engine fuel is being used which has a much less offensive odor and that the Texaco generators across the street make as much noise as the helicopter.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to DENY a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1202/11) to permit a heliport in a CH zoned district; finding that the operation is inappropriate for the area; on the following described property:

Lot 7, Block 1, Bayne Addition, 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.

Case No. 13596 (continued)

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Variance (Section 280 - Structure Setback from Abutting Streets - Use Unit 1214) of the 50' setback from the centerline of Harvard to 40' to permit the replacement of a sign in a CH zoned district; subject to a removal contract; finding that a hardship is demonstrated by the irregular placement of the building on the lot; that the sign would be farther back than others in the area; on the following described property:

Lot 36, Block 2, Harvard Heights, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13598

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request a variance of the 60' setback from the centerline of Marion to 48' and of the rear yard setback from 25' to 20' to permit construction of a dwelling in an RS-1 zoned district, located at 6148 South Marion.

Presentation:

The applicant, Ridge Kaiser, 5424 East 17th Street, Tulsa, Oklahoma, asked the Board to grant a variance in order that he could build a house at the above stated address. Mr. Kaiser pointed out that if the required setbacks are observed, the back yard would be only 12' deep. The applicant noted that the house would be constructed in line with existing homes, but with the front addition of a porte cochere, it would encroach on the setback approximately 12'.

Comments and Questions:

Mr. Gardner pointed out that a porte cochere is acceptable in several areas of the city because it is designed as part of the structure and not just an addition afterthought. Usually large lots are involved with circle drives and the roof is extended, but is not enclosed.

Mr. Chappelle asked the applicant to address the hardship in this case and Mr. Kaiser noted that the building code is too restrictive and the house will not fit on the lot without some relief. He stated that the smallest house in the neighborhood is 3,000 sq. ft. and that most of them have obtained a variance.

Interested Parties:

Brenda Kaiser, 5424 East 17th Street, Tulsa, Oklahoma, pointed out that, according to PSO a porte cochere makes a house more energy efficient and adds to the beauty of the structure.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 2-1-0 Chappelle, White, "aye"; Bradley, "nay"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM District - Use Unit 1206) of the 60' setback from the centerline of Marion to 48' and of the rear yard setback from 25' to 20' to permit construction of a dwelling in an RS-1 zoned district. Motion FAILED for lack of three affirmative votes; on the following described property:

Lot 5, Block 5, Braeswood Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 13577

Action Requested:

Variance - Section 750.2 - Location of Sexually Oriented Business - Use Unit 1212 - For a variance of the 500' setback from a church; of the 300' setback from residential districts; and of the 300' setback from a nonarterial street which provide access to a residentially zoned district located at 3741 South Peoria.

Presentation:

The applicant, Larry Taylor, was represented by Attorney Joe Farris, 816 Enterprise Building, Tulsa, Oklahoma, who presented photographs (Exhibit C-1) of the Night Moves Show Bar. Mr. Farris noted that the entrance is upstairs in the rear of the building and does not have a public entrance on Peoria. He stated that there is a photo shop directly beneath the bar and the Trinity Methodist Church is located immediately to the north. Mr. Farris pointed out that the proprietors, Mr. & Mrs. Cline, have operated clubs in the area for 15 years and have never been cited for any violation. He further stated that the bar caters to white collar clientele and is a very clean, orderly, and discretely operated business. Mr. Farris explained that the entrance is protected by a gentleman that checks identification during the evening from 6 p.m. to 12 p.m., Monday through Saturday. Mr. Farris submitted a Health Inspection Certificate (Exhibit C-2) showing that the club received a 100% rating.

Comments and Questions:

Mr. Chappelle asked Mr. Farris to address the hardship in this case. Mr. Farris pointed out that approximately \$20,000 had been spent for equipment and remodeling. It was explained to Mr. Farris that financial investments or losses are not considered a hardship under the Code definition.

Ms. Bradley asked if the proprietor of Night Moves was aware that the business was operating in violation of the Code and Mr. Farris replied that he did not.

Case No. 13577 (continued)

Mr. Jackere informed that that the sexual nature of the bar prohibits its operation at this location and the measurements are taken from building wall to building wall, or in a residential area, from building wall to the residential boundary.

Ms. Noe informed that the inspector measured 4' 5" from the church to the club and that a complaint had been received from the City Attorney's office and from private citizens.

Interested Parties:

Forrest Wood, 5018 East 75th Place, Tulsa, Oklahoma, stated that he has served with the Tulsa Police Department and produced back ground evidence which resulted in this ordinance being written. Mr. Wood pointed that this operation was not what the Board had in mind when he was sent out for investigations.

Protestants:

Don Betts, 2428 East 52nd Street, Tulsa, Oklahoma, represented members of the Trinity Methodist Church, and informed that the church is opposed to the operation of a nudity bar in the area. Mr. Betts stated that a representative of Channel 2 made them aware of the club and its practices. A list of protestants (Exhibit C-3) was submitted to the Board.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to DENY a Variance (Section 750.2 - Location of Sexually Oriented Business - Use Unit 1212) of the 500' setback from a church; of the 300' setback from residential districts; and of the 300' setback from a nonarterial street which provides access to a residentially zoned district in a CH zoned district; finding that the applicant failed to demonstrate a hardship that would permit the operation of a club of this nature at this location; on the following described property:

W 305' of the S 2½ A. of the W 20 A. of GOV Lot 3, Less S 20' THEREOF & LESS W 35' of the N 145.52' of the S 165.52' THEREOF & LESS E 15' of the W 50' THEREOF & LESS N 5' of the S 25' THEREOF SEC. 19, T-19-N, R-13-E and containing .82 A., City of Tulsa, Tulsa County, Oklahoma.

Case No. 13582

Action Requested:

Variance - Section 1215.2 - Other Trades and Services - Use Unit 1215 - Request a variance of the 1,500 sq. ft. maximum floor area to 2,400 sq. ft. to permit an existing dry cleaners to expand in a CH zoned district, located at 4951 South Peoria.

Presentation:

The applicant, Dave Cook, 1159 South 89th East Avenue, Bixby, Oklahoma, submitted a location map (Exhibit E-1) and asked the Board

5.30.85:440(8)

Case No. 13582 (continued)

to permit the dry cleaning plant to move next door to the present location. Mr. Cook pointed out that he does not have enough space and the move would provide his company with the additional working room, as well as a rear entrance to the building.

Comments and Questions:

Mr. Gardner pointed out that the Code had been amended recently, restricting this type of business to 1,500 sq. ft. in a commercial area. He stated that heavy traffic is a concern and that larger operations are confined to industrial locations.

Ms. White asked Mr. Cook if he has cleaning outlets at other locations and he answered that he did not.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Variance (Section 1215.2 - Other Trades and Services - Use Unit 1215) of the 1,500 sq. ft. maximum floor area to 2,400 sq. ft. to permit an existing dry cleaners to expand in a CH zoned district; subject to Health Department approval; finding the 1,500 sq. ft. floor area limitation may be too restrictive; on the following described property:

Lots 9, 10 and part of 11, Block 19, Bellaire Acres 2nd Extended, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13583

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Use Unit 1217 - Request an exception to allow a used car sales establishment in a CS zoned district, located on the SE/c of 14th Street and Memorial.

Presentation:

The applicant, J. T. Dunn, 3925 East 57th Place, Tulsa, Oklahoma, presented photographs (Exhibit F-1) of the area and asked the Board to allow a car sales lot on the property in question. Mr. Dunn pointed out that he feels a precedence has been set in the area since there are numerous car sales establishments on Memorial. The applicant informed that the property has been vacant for approximately a year.

Comments and Questions:

Mr. Chappelle inquired as to the number of cars that would be stored on the lot. Mr. Dunn replied that about 50 vehicles would be parked on the property.

Ms. Bradley asked if there is screening separating the lots and Mr. Dunn answered that screening is in place, but is not in good repair.

Case No. 13583 (continued)

Protestants:

Mrs. Rodney James, 8126 East 14th Street, Tulsa, Oklahoma, stated that she lives one lot away from the proposed business. She stated that the car lot directly north of the proposed establishment parks cars on the street and has an elevated car display which obstructs the view of motorists entering Memorial. Ms. James informed that the entrance to this lot is on 14th Street and that the customers use this street to try out the automobiles, sometimes driving at a high rate of speed.

Rodney James, 8126 East 14th Street, Tulsa, Oklahoma, stated that the traffic in the area caused by the car lots intrudes on the peaceful atmosphere of the neighborhood.

Comments and Questions:

Mr. Chappelle asked if the existing building on the lot would be removed. Mr. Dunn answered that the structure would be used for an office and car display.

Mr. Jackere pointed out that a variance would be required to allow a car lot within 300' of a residential area.

Applicant's Rebuttal:

The applicant pointed out that the platform constructed on the car lot located north of the proposed business is constructed to comply with the city requirements.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13583 to June 27, 1985 to allow the applicant to apply for additional relief.

Case No. 13584

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 35' front yard setback to 1' to permit an addition to an existing church in a RS-2 zoned district, located at 8504 East Skelly Drive.

Presentation:

The applicant, Skelly Drive Baptist Church, was represented by Ray Flint, submitted a site plan (Exhibit G-2) for a proposed worship center. He stated that when the architect drew up plans for the existing educational building he failed to consider the jog in the street which would not permit the future auditorium to be built without encroaching on the 35' setback. Mr. Flint pointed out that the congregation has grown considerably and are now ready to proceed with the construction.

Case No. 13584 (continued)

Comments and Questions:

Ms. Hubbard asked Mr. Flint how high the new addition would be and he replied that the building would be approximately 48' tall. Ms. Hubbard pointed out that the height limit is 35' and that the applicant would need to readvertise for a height exception.

Protestants:

Maxine Melvin, 8719 East 27th Street, Tulsa, Oklahoma, stated that she is concerned with the terrible flooding and drainage problem in the area. Ms. Melvin questioned whether or not the making of I-44 a six lane highway would interfere with the construction of the proposed building.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13584 to June 27, 1985 to allow the applicant to advertise for additional relief.

Case No. 13585

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to allow a child care center in Columbus Elementary School in an RS-3 zoned district, located at 10620 East 27th Street.

Presentation:

The applicant, Donna Williams, 1705 South 140th East Avenue, Tulsa, Oklahoma, would like permission to lease two rooms at Columbus Elementary School for a before and after school program for the students of that school. Ms. Williams stated that she would like to begin operation in the fall of 1985.

Comments and Questions:

Ms. Bradley asked how many students would be enrolled in the class and who would regulate the operation. Ms. Williams explained that she would have approximately 55 students and would be regulated by the Department of Health and Education.

Mr. Chappelle inquired as to the hours of operation and if there would be a separate entrance for the students. Ms. Williams pointed out that the class would open at approximately 7:00 a.m. and close at 5:45 p.m. and will have a separate entrance.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use

Case No. 13585 (continued)

Unit 1205) to allow a child care center in Columbus Elementary School in an RS-3 zoned district; subject to operation from 7:00 a.m. to 5:45 p.m.; on the following described property:

A part of the SE $\frac{1}{4}$ of Section 18, T-19-N, R-14-E, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point 201.70 feet East and 370.37 feet South of the Northwest corner of the SE $\frac{1}{4}$ of Section 18, T-19-N, R-14-E, Tulsa County, Oklahoma, said point also being the Southwest corner of Lot 10, Block 1, Valley Glen, an addition in Tulsa County, Oklahoma, thence Due East along the South line of said Lot 10 a distance of 178.23 feet, thence Due South a distance of 21.50 feet, thence along a curve to the left having a radius of 62.50 feet a distance of 98.17 feet, thence Due East a distance of 339.24 feet, thence Due South a distance of 46.60 feet, thence along a curve to the right having a radius of 1018.74 feet a distance of 82.38 feet, thence S $04^{\circ}37'59''$ W a distance of 434.52 feet, thence Due West a distance of 540.90 feet, thence N $00^{\circ}03'22''$ W a distance of 646.00 feet to the point of beginning, containing 7.63 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13586

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225 - Request a variance of the 50' setback from the centerline of St. Louis to 30' to permit construction of a building to house an existing business in a IM zoned district, located at 422 South St. Louis.

Presentation:

The applicant, Southwest United Industries, was represented by Joe Wacus, 9710 East 7th Street, Tulsa, Oklahoma, submitted a site plan (Exhibit H-1) and asked permission of the Board to construct a new building next to the existing one, with the same setback. Mr. Wacus stated that the existing building floods and the proposed structure will have a higher floor level.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225) of the 50' setback from the centerline of St. Louis to 30' to permit construction of a building to house an existing business in an IM zoned district; finding that the property is surrounded by existing building encroachments which impose an unnecessary hardship on the applicant; per plot plan submitted; on the following described property:

Case No. 13586 (continued)

Lot 4, Block 2, Hackathorn, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13587

Action Requested:

Special Exception - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request an exception to permit a floor area ratio of .35 in an OL zoned district.

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request a variance to permit two story buildings.

Presentation:

The applicant, John Moody, asked to CONTINUE Case No. 13587 to June 27, 1985.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13587 to June 27, 1985.

Case No. 13588

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1227 - Request a use variance to allow a salvage yard in a CS zoned district, located on the SW/c of 36th Street North and Lewis.

Presentation:

The applicant, John Lewis, Route 1, Sperry, Oklahoma, submitted photographs (Exhibit J-1). Mr. Lewis stated that he has been running an auto salvage yard at 3520 North Lewis for the past 11 years and found out that he is operating illegally. The applicant asked the Board to permit him to continue the operation of the business at the present location.

Comments and Questions:

Chairman Chappelle stated that he would abstain due to a conflict of interest; therefore, there it would be necessary to continue the case until June 13, 1985 for lack of 3 affirmative votes.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13588 to June 13, 1985, for lack of 3 affirmative votes.

Case No. 13589

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1217 - Request a variance of the 50' setback from the centerline of Peoria to 35' and of the 30' setback from the centerline of 36th Street to 27'; all to permit a sign in a CH zoned district, located on the SW/c of 36th Street and Peoria.

Presentation:

The applicant, Quick Trip Corporation, was represented by Attorney Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma. A site plan (Exhibit K-1), letters regarding application (Exhibit K-2) and photographs (Exhibit K-3) were submitted to the Board. He asked the Board to permit the sign to remain on the above stated property. Mr. Johnsen explained that this area was platted in the 1920's and that numerous building and sign encroachments exist throughout the area. He stated that a Removal Contract would be executed to make the applicant responsible for moving the sign in the event the land was needed for street widening. Mr. Johnsen stated that the sign company made application and began construction without waiting for approval, which he informed, sometimes took several weeks.

Comments and Questions:

Darrell Lumpkin, Sign Inspector, stated that on Feb. 12, 1985 a sign was applied for by the company and instructions were marked informing them that a variance would have to be secured from the Board of Adjustment for the 35' setback. He stated that the company ignored this and placed the sign where they wanted it. The contention of the Sign Inspector is that they put the sign up knowing it was illegal and hoping to get a variance later.

Mr. Jackere pointed out that the Board should look at the land use in the area, and evaluate the request based on appropriateness or inappropriateness.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1217) of the 50' setback from the centerline of Peoria to 35' and of the 30' setback from the centerline of 36th Street to 27'; all to permit a sign in a CH zoned district; finding that the signs in this older area encroach the required setback; subject to plot plan submitted and a Removal Contract; on the following described property:

Lots 5 and 6, Block 5, Peoria Gardens, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13590

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225 - Request a variance of the 100' setback from the centerline of Utica to 58' and of the 50' setback from the centerline of Newton Street to 42' to allow construction of a building in an IL zoned district, on the NW /c of Utica and Newton Street.

Presentation:

The applicant, J. T. Bates, 2857 East 33rd Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit L-1) and stated that he is unable to construct any building on his property because of the setback restrictions. Mr. Bates pointed out that if he held the setback requirements he would only be able to utilize 1,200 sq. ft. out of the total 7,000 sq. ft. that he owns. The applicant stated that he would like the Board to allow the variance which would enable him to construct a building for a pecan cracking business.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a **Variance** (Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225) of the 100' setback from the centerline of Utica to 58' and of the 50' setback from the centerline of Newton Street to 42' to allow construction of a building in an IL zoned district; per plot plan; finding a hardship imposed on the applicant by the narrow shaped corner lot; finding that the setbacks on both streets are restrictive to that particular lot; and finding that the granting of the variance will not cause a substantial detriment to the public good or impair the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 6, Block 12, Utica Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13591

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1206/09 - Request an exception to permit a mobile home in an AG district.

Variance - Section 208 - One Single-family Dwelling Per Lot of Record - Request a variance to allow two dwelling units (1 existing house, 1 mobile home) per lot of record.

Presentation:

The applicant, Ray Remington, 9650 South 33rd West Avenue, Tulsa, Oklahoma, stated that his wife's parents are ill and not able to care for themselves and their home. Mr. Remington asked the Board to permit him to place a mobile next to their existing home in order that they could assist them. A site plan was submitted (Exhibit M-1).

Comments and Questions:

Ms. White asked if other mobile homes were located in the area and Mr. Remington replied that one is parked on a lot at 81st and Elwood.

Ms. Bradley inquired if the mobile would be hooked up to a sewer. The applicant answered that there are two septic tanks on the lot which would provide adequate sewage disposal for the existing house and the mobile home.

Mr. Jones and the applicant had discussion concerning the notification of property owners within 300' of the lot in question and it was determined that they had not been notified of the application for a variance.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13591 until June 13, 1985 to allow the applicant to give proper notice.

Case No. 13592

Action Requested:

Variance - Section 420.2 (d) - Accessory Use Conditions - Use Unit 1205 - Request a variance to allow a sign for an existing church to exceed 15 feet in height and 32 square feet of surface area in an RS-2 zoned district, located at 5502 South Harvard.

Presentation:

Mike Gear, who represented the Harvard Avenue Christian Church, submitted a sign location map (Exhibit N-1) and a site plan (Exhibit N-2). He stated that the sign has been built, but not installed and asked the Board to allow an additional 3 sq. ft. of surface area and 8 feet in height. Mr. Gear noted that the sign would be installed approximately 70 feet from Harvard Avenue and would not be out of character for the area.

Comments and Questions:

Mr. Gardner noted that the Sign Committee is going through the process of increasing the allowable signage for churches, schools and other special exception uses.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Variance (Section 420.2 (d) - Accessory Use Conditions - Use Unit 1205) to allow a sign for an existing church to exceed 15 feet in height and 32 square feet of surface area in an RS-2 zoned district; per plat plan; finding that the size of the tract would accommodate and support a larger sign; on the following described property:

Case No. 13592 (continued)

That part of the NE/4 of Section 32, Township 19 North, Range 13 East, described as follows: Beginning at a point 466.69' South of the NE corner of the SE/4, NE/4 of Section 32; thence West parallel with the North line of said SE/4, NE/4, 466.69' to a point; thence South 300' to a point; thence East 466.69' to a point on the East line of said Section 32; thence North along said line 300' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13593

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 95' setback from the centerline of 101st Street to 80' to permit construction of a dwelling in an RS-3 zoned district, located on the NW/c of 101st Street and 106th East Avenue.

Presentation:

Joe Donaldson, 311 North Aspen, Broken Arrow, Oklahoma, who represented the owner, Mr. Higgins, submitted photographs of the area (Exhibit O-1) and a site plan (Exhibit O-1). Mr. Donaldson asked the Board to grant a sideyard setback on a corner lot which would give him permission to construct a house at the above stated location.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, 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 95' setback from the centerline of 101st Street to 80' to permit construction of a dwelling in an RS-3 zoned district; finding a hardship imposed by the the two street setbacks on the corner lot; per plot plan; on the following described property:

Lot 16, Block 5, Cedar Ridge Heights, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13594

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1211 - Request an exception to permit office and studio use in an RM-2 zoned district.

Special Exception - Section 250.3. - Modification of the Screening Wall or Fence Requirements - Request an exception to delete the screening wall or fence requirement.

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request a variance of the 100' setback from the

Case No. 13594 (continued)

centerline of Denver to 45' to allow improvements to an existing structure.

Variance - Section 1211.4 - Off-street Parking and Loading Requirements - Request a variance of the required parking spaces on the principal lot.

Variance - Section 1320 (d) - Off-street Parking and Off-street Loading - Request a variance to allow parking for the principal use on an off site lot, located at 1408 and 1410 South Denver.

Presentation:

The applicant, Stuart Nyander, 717 South Houston, Tulsa, Oklahoma, submitted a site plan (Exhibit P-1) and a copy of the property development plan (Exhibit P-2). He stated that he would like permission from the Board to allow the conversion of a 3 story apartment building to an office complex and the removal of an existing duplex to supply parking spaces for the project. He noted that each of the lots is 50' wide and 127 feet deep and a portion of the property is zoned RM-2 and the remaining part is OM. Mr. Nyander stated that the property owner to the north of the the proposed office building does not want a screening fence installed and if a fence were installed to the west, it would interfere with needed parking spaces. He stated that an effort to obtain the required parking had resulted in acquiring 19 out of the needed 23 spaces. The applicant informed that he would like to withdraw the variance of the 100' setback from the centerline of Denver to 45'.

Comments and Questions:

Mr. Gardner inquired as to the total floor area, excluding the basement, of the proposed office building. Mr. Nyander stated that the floor area of the office portion and the enclosed fire escape would be 6,822 sq. ft. and the basement, which is to be used for storage, has a total of 2,274 sq. ft.

Ms. Bradley asked if ingress and egress would be off Denver and Mr. Nyander stated that it would be.

Interested Parties:

Loice Williams, 1402 South Denver, Tulsa, Oklahoma, owns the property to the North of the proposed office building, and stated that she does not want a screening fence installed between her lot and the property in question.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1211) to permit office and studio use in an RM-2 zoned district; per plot plan; subject to no office space in the basement;

Case No. 13594 (continued)

to APPROVE a Special Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) to delete the screening wall requirement; to APPROVE a Variance (Section 1211.4 - Off-street Parking and Loading Requirements) of the required parking spaces on the principal lot; to WITHDRAW a Variance (Section 630 - Bulk and Area Requirements in the Office Districts) of the 100' setback from the centerline of Denver to 45' to allow improvements to an existing structure; and to APPROVE a Variance (Section 1320 (d) - Off-street Parking and Off-street Loading) to allow parking for the principal use on an off site lot; subject to a tie contract on the two lots; on the following described property:

Lots 2 and 3, Block 2, Campbell Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13595

Action Requested:

Special Exception- Section 910 - Principal Uses Permitted in the Industrial Districts - Use Unit 1212 - Request an exception to permit an eating establishment in an IL zoned district, located on the SE/c of 60th Place and Garnett.

Presentation:

The applicant, Roy Johnsen, asked that Case No. 13595 be continued until June 13, 1985.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13595 to June 13, 1985.

Case No. 13597

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request a variance of the 85' setback from the centerline of Peoria to 40' to allow an addition to an existing dwelling in an RS-3 zoned district.

Variance - Section 280 - Structure Setback from Abutting Streets - Request a variance of the 50' setback from the centerline of Peoria to 40', located at 1231 East 20th Street.

Presentation:

The applicant, Howard Kelsey, 5815 South 94th East Place, represented the owner of the property in question and submitted a site plan (Exhibit R-1) and list of building setbacks in the area (Exhibit R-2). Mr. Kelsey stated that the property owner is proposing to modify an existing house that was built in 1919 and pointed out that without relief, he would be unable to proceed with

Case No. 13597 (continued)

construction. The applicant informed that the addition to the home would not extend further than the existing portion.

Comments and Questions:

Ms. Bradley asked Mr. Kelsey if the structure would continue to be a home and he replied that it would remain a residence.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, 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 85' setback from the centerline of Peoria to 40' to allow an addition to an existing dwelling in an RS-3 zoned district; per plot plan; and to APPROVE a Variance (Section 280 - Structure Setback from Abutting Streets) of the 50' setback from the centerline of Peoria to 40'; finding the proposed building setback is in keeping with the existing setbacks in the area and is the basis for the hardship; on the following described property:

E 75.2' of Lot 8, Block 3, Maple Heights, an addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 13262

Action Requested:

Substitute plot plan for Case No. 13262, located N of NW/c of Garnett and I-244.

Presentation:

The applicant was not present.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13262 to June 13, 1985.

Request Interpretation — Office of the Building Inspector.

Ms. Hubbard stated that she received an application for a zoning clearance permit to allow a half-way house for drug and alcohol abuse tenants. She stated that it has been determined that any prisoner that is in a house arrest status is technically still incarcerated and that some of these clients would fall in this category. Ms. Hubbard asked the Board to make the interpretation as to whether the operation would be under Use Unit 2 or Use Unit 5.

Mr. Jackere informed that under Use Unit 2 includes a pre-release center or under Use Unit 5 includes a half-way house. He noted that this type of center may be somewhere between the two types.

Interpretation (continued)

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to DETERMINE that the inmates of the House Arrest Program fall under Use Unit 2.

Resolution of Appreciation for Adrian Smith and Gary Victor.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to APPROVE a Resolution of Appreciation for Adrian Smith and Gary Victor.

There being no more business, the meeting was adjourned at 5:31 p.m.

Date Approved 6-13-85
Carl G. Smith
Chairman

