

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 441
Thursday, June 13, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Purser White	Clugston	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, June 11, 1985, at 11:27 a.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:

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 the Minutes of May 16, 1985 and May 30, 1985.

UNFINISHED BUSINESS

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.

Presentation:

The applicant, John Lewis, asked that Case No. 13588 be continued until July 11, 1985, in order for additional information to be gathered.

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. 13588 to July 11, 1985.

Case No. 13591

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1206/09 - Request an exception to

6.13.85:441(1)

Case No. 13591 (continued)

permit a mobile home in an AG district, 1/2 mile south of SW/c of 81st Street and Elwood.

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, located 1/2 mile south of SW/c of 81st Street and Elwood.

Presentation:

The applicant, Pamela Remington, submitted a plot plan (Exhibit B-1) and stated that she would like to place a mobile home next to the existing home of her parents who are ill. Ms. Remington told the Board that she would like to live near her mother and father to help care for them and their property.

Comments and Questions:

Ms. Bradley asked the applicant what the distance would be from the existing house to the mobile home and Ms. Remington answered that the mobile home would be about 75' from the house.

Ms. Bradley inquired if there is a septic tank to accommodate the mobile home and the applicant answered that there are two septic tanks already in place on the property. Mr. Gardner pointed out that one primary concern of the Board should be an approval from the Health Department.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1206/09) to permit a mobile home in an AG district; and a VARIANCE (Section 208 - One Single-family Dwelling Per Lot of Record) to allow two dwelling units (1 existing house, 1 mobile home) per lot of record; subject to Health Department approval; for a period of two years; on the following described property:

Beginning at the SE/c of NE/4 of Section 14, T-18-N, R-12-E, Thence north 95', east 250' to P.O.B, 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, submitted a plot plan (Exhibit C-1) and asked the Board to grant Burger King permission to construct a restaurant in an industrial area. Mr. Johnsen stated that a

Case No 13595 (continued)

business of this nature would not be inconsistent with the surrounding neighborhood and that it would conform to the plat of the subdivision.

Comments and Questions:

Mr. Chappelle asked if there are other cafes in the area and Mr. Johnsen replied that there are no restaurants in the immediate area.

Board Action:

On MOTION of PURSER and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Use Unit 1212) to permit an eating establishment in an IL zoned district; per plot plan submitted; on the following described property:

Lots 22 and 23, Block 1, 6000 Garnett Park, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 13602

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1216 - Request a variance of the setback from 50' to 42' from the centerline of Utica to allow a pole sign to remain in an IL zoned district, located on the SW/c of 1st Street and Utica.

Presentation:

The applicant, Texaco, Inc., was represented by Casper Jones, 1302 South Fulton, Tulsa, Oklahoma. Mr. Jones pointed out that an application was made for the sign in question and permission was given to construct it 30' from the centerline of Utica. He noted that the sign is now in place 42' from the centerline of Utica.

Comments and Questions:

Ken Bode, Sign Inspector, submitted photographs of the sign (Exhibit I-1) and stated that the permit was issued in error.

Mr. Gardner asked Mr. Bode if there were other signs setting closer to the street than the Code would permit. Bode stated that there are other signs closer, but this particular one is in a location where there are very few signs.

Ms. Purser asked if the applicant installed the sign in the proper place and Mr. Jones answered that the sign is further back than it was required on the building permit.

Applicant's Rebuttal:

Mr. Jones asked the Board to permit the sign to remain in its present position and stated that the applicant would agree to sign a

Case No. 13602 (continued)

Removal Contract stating that, in the event Utica is ever widened, Texaco, Inc. would remove the sign at their expense.

Board Action:

On MOTION of Purser and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 280 - Structure Setback from Abutting Streets - Use Unit 1216) to allow a pole sign to remain in an IL zoned district; subject to a Removal Contract; acknowledging that the sign permit was issued in error; but finding that the location is appropriate and will not be a detriment to the public good; on the following described property:

Lot 1, Block 2, Midway Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 13599

Action Requested:

Special Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirement - Use Unit 1205 - Request an exception to waive the screening requirements in a CS zoned district, located at 800 N. Country Club Drive.

Request a refund of the filing fee.

Presentation:

Grace Tucker, 800 North Country Club Drive, Tulsa, Oklahoma, stated that she is buying the above mentioned property from Randy Williams, and asked the Board to waive the requirement for a privacy fence on the rear of the property.

Comments and Questions:

Ms. Purser asked what is behind the property in question and Ms. Tucker stated that a golf course is behind the acreage, which has an old brick building and the remains of an old swimming pool.

Ms. Purser asked if the Country Club had been notified of this action and Mr. Gardner informed that they had not.

Mr. Jackere noted that the Country Club property is within 300' of the property in question and should be notified.

Board Action:

On MOTION of Purser and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13599 until June 27, 1985, to allow notification of adjoining property owners.

Case No. 13600

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance to allow a 907 square foot detached

Case No. 13600 (continued)

accessory building (garage) in an RS-3 zoned district, located at 1904 South Gary Place.

Presentation:

The applicant, Stephen Tedder, 1904 South Gary Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1) of a proposed two-story garage which will replace an existing one. The applicant pointed out that he would use the upper portion for storage and would have a stairway in the center of the building.

Comments and Questions:

Ms. Purser asked Mr. Tedder how much floor space would be on the first level of the garage and he replied that there would be approximately 600 sq. ft.

Ms. White asked if there are other two-story garages in the area and the applicant submitted photographs (Exhibit G-2) of two such garages in the neighborhood.

Ms. Purser pointed out to the applicant that the Code would prohibit the use of the new building as guest quarters, an apartment, or uses of a similiar nature, and Mr. Tedder stated that the building would be only for storage and parking of automobiles, and further noted that there would be no plumbing installed.

Board Action:

On MOTION of WHITE and SECOND by PURSER, the Board voted 3-1-0 (Chappelle, Purser, White, "aye"; Bradley "nay"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) to allow a 907 square foot detached accessory building (garage) in an RS-3 zoned district; finding that the slope of the lot is restrictive to the applicant; finding a precedent has been set by existing two-story garages in this older area; subject to the filing of a Restrictive Covenant stating that the structure would never be used for dwelling; and subject to no commercial activity on the property in question; on the following described property:

Lot 12, Block 3, Florence Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13601

Action Requested:

Special Exception- Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1206/09 - Request an exception to allow a mobile home in an RS-3 zoned district.

Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Request a variance to allow two mobile homes on a lot and to permit the mobile homes permanently.

Case No. 13601 (continued)

Variance - Section 208 - One single-family Dwelling Per Lot of Record - Request a variance to allow 4 dwelling units (2 houses, 2 mobile homes) per lot of record, located at 29 North 129th East Avenue.

Presentation:

The applicant, Doris Sampson, 29 North 129th East Avenue, Tulsa, Oklahoma, submitted a location map (Exhibit H-1). Ms. Sampson explained that she and her brother live in the two houses at the above stated address and her mother lives in a mobile home which is parked on the property at this time. The applicant stated that she would like permission to place another mobile home on the 2-acre tract, so that she could move into the mobile and her son could move into the house where she now lives.

Comments and Questions:

Ms. Purser asked Ms. Sampson if she applied for permission to put a mobile home on the tract in 1976. Ms. Sampson stated that her brother-in-law made the application. Ms. Purser informed that a time limitation of 1 year had lapsed and he is in violation of the Code.

Ms. Bradley asked if the mobile would be placed on the tract permanently and Ms. Sampson replied that it would be a permanent location.

Ms. White asked if the mobile is on a septic tank system and Ms. Sampson replied that it is, and would have a separate tank.

Mr. Gardner informed that with four units on the property, there would still be 1/2 acre of land per dwelling, and that the property directly across the street is zoned for mobile homes.

Board Action:

On MOTION of WHITE and SECOND by PURSER, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1206/09) to allow a mobile home in an RS-3 zoned district; to APPROVE a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements) to allow two mobile homes on a lot and to permit the mobile homes permanently; and to APPROVE a Variance (Section 208 - One Single-family Dwelling Per Lot of Record) to allow 4 dwelling units (2 houses, 2 mobile homes) per lot of record; finding that a hardship is placed on the applicant by the multiple zoning in the area; finding that there is already more than one dwelling located on the tract; subject to Health Department approval; subject to a limit of two years; on the following described property:

Case No. 13601 (continued)

Beginning at the NW/c of Lot 4, Thence E. 293.4', S. 297', W. 293.4', N. 297' to P.O.B., Section 4, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13603

Action Requested:

Variance - Section 1221.4 - CS District Use Conditions for Business Signs - Use Unit 1216 - Request a variance of the setback requirements to allow a 50' high pole sign in a CS zoned district, located NE/c Admiral Blvd. and Yale.

Presentation:

The applicant, Texaco, Inc., was represented by Casper Jones, 1302 South Fulton, Tulsa, Oklahoma, who stated that several months ago the Sign Inspector, Paul Sands, met the sign installers and told them that they could set the sign 1' from the property line. Mr. Jones stated that the sign was erected and the inspector found a mistake and ordered the sign removed. He stated that Texaco complied with the demand and removed the sign, but the pole is still in place. Mr. Jones asked the Board to grant permission to hang the sign again. Photographs were submitted (Exhibit I-1).

Comments and Questions:

Mr. Gardner informed that without a variance, and left in the present location, the height of the sign would have to be reduced to 30' or if the sign were left as is, in height, it would have to be moved back 20'.

Ms. Purser asked Mr. Jones if the sign person or Texaco had a signed document that would substantiate the agreement with the Sign Inspector. Mr. Jones answered that he did not know of a signed agreement.

Ms. Hubbard stated that, due to the heavy work load, Mr. Sands was not able to maintain proper files and that a record is probably not available.

Board Action:

On MOTION of PURSER and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13603 until June 27, 1985 to allow the applicant and Staff to search for additional records.

Case No. 13604

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1211 - Request a use variance to permit office use in an RS-3 zoned district, located north of NW/c of 61st Street and Mingo.

Case No. 13604 (continued)

Presentation:

The applicant, John Sublett, 320 South Boston, Tulsa, Oklahoma, stated that the owner of the residence at the above stated location is retired and has a prospective buyer for the property. Mr. Sublett informed that the home has never flooded, but a small portion of the tract is in a flood zone. He stated that the tract is included in properties that have been zoned IL, but the ordinance has not been published pending engineering studies being completed. Mr. Sublett submitted a letter (Exhibit J-1) from Ruben Haye, stating that the house is located outside the FD zoning. He asked the Board to grant permission for the operation of an Insurance Claims Office in the RS-3 zoned house during the interim period.

Ms. Bradley asked if all of the property to the south is pending in the IL zoning. Mr. Sublett answered that all of Block 2 was included in the rezoning.

Board Action:

On MOTION of Purser and SECOND by Bradley the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1211) to permit office use in an RS-3 zoned district; subject to a subdivision plat or a waiver by the Planning Commission and prior issuance of a Zoning Clearance Permit or a Building Permit; on the following described property:

Lots 4 and 5, Block 2, Anderson Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13605

Action Requested:

Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1221 - Request a variance to allow a portable sign to be used for other than the principal use in an OM zoned district, located on the NE/c of 67th Street and Peoria.

Presentation:

The applicant, Wayne Hood, 7170 South Braden, Tulsa, Oklahoma, asked the Board to permit a portable sign to remain at the corner of 67th Street and Peoria. Mr. Hood stated that the sign has been there for approximately 2 years and is needed very badly to direct customers into a housing project that is away from the traffic area.

Comments and Questions:

Ms. Purser asked Mr. Hood if he could project how long the sign would be needed at the location and he answered that the project should be completed in one year or less.

Mr. Jackere asked if he were directed to come here by the Sign Inspector and Mr. Hood pointed out that he was not aware that the sign was illegal until he was called by the Inspector and told to

Case No. 13605 (continued)

remove it within 24 hours. Mr. Jackere informed that the sign is not permitted in an OM zoned district.

Mr. Gardner informed that outdoor advertising is not allowed by the Code, but the land would permit a permanent sign for an office.

Protestants:

Cathy Carson, 6732 South Peoria, Manager of the Glenn Apartments, informed that in her opinion, the numerous portable signs detract from the beauty of the neighborhood.

Board Action:

On MOTION of PURSER and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to DENY a Variance (Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1221) to allow a portable sign to be used for other than the principal use in an OM zoned district; finding that the applicant did not demonstrate a hardship that would allow a portable sign (off premise sign) in an OM zone; on the following described property:

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

Case No. 13606

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1206 - Request an exception to allow a residence in a CS zoned district, located North of the NW/c of 81st and Union.

Presentation:

The applicant, Bobby Fleming, was represented by Phil Wimpbish, 2834 East 34th, who submitted photographs of the area (Exhibit K-1). Mr. Wimpbish stated that the applicant would like permission to build a residence with a business under one roof. He noted that the zoning is RS on three sides of the property.

Comments and Questions:

Ms. Bradley asked if there is a house on the tract at this time and Mr. Wimpbish stated that there is not a building on the lot.

B.J. Fleming, 318 East 48th Street, Tulsa, Oklahoma, explained that the retail store and the house will be under one roof.

Mr. Gardner informed that several years ago it was very common to have a business in a residence, but under the current standard a special exception is needed for this type of operation. He further stated that the applicant would be required to file a subdivision plat.

Case No. 13606 (continued)

Board Action:

On MOTION of PURSER and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1206) to allow a residence in a CS zoned district; per plot plan; subject to filing of a subdivision plat; on the following described property:

The NE/4 of SE/4 of SE/4 of SE/4 of Section 10, Township 18 North, Range 12 East, Tulsa County, State of Oklahoma, subject to the East 50 feet for Highway purposes and containing in all 2.51 acres, more or less, LESS AND EXCEPT a tract of land described as beginning at SW Corner of said tract, thence North 100 feet, thence East 100 feet, thence South 100 feet, thence West 100 feet to point of beginning and a 20 foot easement along South Boundary of said tract for pipeline and roadway purposes, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13607

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 Carl Sandburg Elementary School in an RS-3 zoned district, located at 18580 East 3rd Street.

Presentation:

The applicant, Tim Colvard, 9715 South 31st West Avenue, Tulsa, Oklahoma, submitted a location map (Exhibit X-1) and asked the Board to permit him to operate a day care center in the school stated above.

Comments and Questions:

Mr. Chappelle asked what the hours of operation of the center would be and Mr. Colvard replied that the hours of operation would be from 6:30 a.m. until 6:30 p.m., and that he had obtained school board approval.

Mr. Jones informed that the application would be subject to a plat and the request of waiver of this requirement will be heard by the Planning Commission next week.

Ms. Purser asked if there was a safe place for delivering and picking up the children and Mr. Colvard informed that there was a driveway for that purpose.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to allow a day care center in Carl Sandburg Elementary School in an RS-3 zoned district; subject to a state

Case No. 13607 (continued)

license for a day care center; and subject to hours of operation being from 6:30 a.m to 6:30 p.m.; on the following described property:

A tract of land situated in the S 1/2 of the NE 1/4 of Section 1, T-19-N, R-14-E, Tulsa County, Oklahoma, being more particularly described as follows to wit:

Beginning at a point 1,854.71 W. of the SE corner and on the S. line of the S 1/2 of the NE 1/4 of said Section 1, thence due N. and parallel to the E. line of said Section 1 a distance of 729.99 feet to a point, thence due east a distance of 331.49 feet to a point, thence along a curve to the right with a radius of 950 feet a distance of 198.97 feet to a point, thence south 78° East a distance of 75.21 feet to a point, thence due south a distance of 690.88 feet to a point on the S. line of the S 1/2 of the NE 1/4 of said Section 1, thence S. 89° 44.9570' W. and along the S. line of the S 1/2 of the NE 1/4 of said Section 1 a distance of 602.57 feet to the point of beginning and containing 10.00 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13608

Action Requested:

Special Exception- Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit - 1209 - Request an exception to allow mobile home (2) in an RS-1 zoned district.

Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Request a variance to allow two mobile homes per lot and to permit the mobile homes permanently.

Variance - Section 208 - One Single-family Dwelling Per Lot of Record - Request a variance to allow two dwelling units (mobile homes) per lot of record, located at 18101 East Admiral Place.

Presentation:

The applicant, Norm Bivins, 18101 East Admiral Place, Tulsa, Oklahoma, stated that he would like to have permission from the Board to place two mobile homes on the East portion of his 3 1/2 acre tract. Mr. Bivins informed that he lives in an existing house on the property and intends to have his son and daughter live in the mobiles.

Comments and Questions:

Ms. Bradley asked if the two units would be placed on the East of the tract and Mr. Bivins answered in the affirmative.

Mr. Bivins informed that he had no objection from the neighbors and stated that there is a mobile home located on the property to the west, which is owned by the Christian Church.

Case No. 13608 (continued)

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit - 1209) to allow mobile home (2) in an RS-1 zoned district; to DENY a Variance (Section 440.6 - Special Exception Uses in Residential Districts, Requirements) to allow 2 mobile homes per lot and to permit the mobile homes permanently; and to APPROVE a Variance (Section 208 - One Single-family Dwelling Per Lot of Record) to allow two dwelling units (mobile homes) per lot of record; per plot plan; finding that the size of the tract imposes an unnecessary hardship on the applicant; and finding that the mobile homes will not have a detrimental effect on the area; on the following described property:

A tract of land in Lot Three (3), Section One (1), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows:

BEGINNING at a point on the West line of Lot Three (3), 40.0 feet North of the Southwest corner of Lot Three (3); thence East along the line parallel to the South line of Lot (3), 40.0 feet equal distance North of the South line of Lot Three (3), a distance of 247.2 feet; thence North a distance of approximately 558 feet to a point on the South property line of Skelly Drive, said point being 100.2 feet South of the North line of Lot Three (3); thence West along the South property line of Skelly Drive a distance of 247.2 feet to a point on the West line of Lot Three (3), 100.4 feet South of the Northwest corner of Lot Three (3); thence South along the West line of Lot Three (3), a distance of 557.0 feet to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13609

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the 30' frontage on a dedicated right-of-way, so that a private street will provide access to 41st Street and to permit a lot split in an RS-1 zoned district, located East of NE/c of 41st Street and Wheeling.

Presentation:

The applicant, Stephen Schuller, asked that Case No. 13609 be continued to June 27, 1985.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13609 to June 27, 1985.

Case No. 13610

Action Requested:

Variance - Section 420.2 - Accessory Use Conditions - Use Unit 205 - Request a variance of the height limit from 15' to 26' and of the 32 sq. ft. surface area to 80 sq. ft. to allow a sign for an existing church in an RS-3 zoned district, located at 2121 North Harvard.

Presentation:

The applicant, Lowell Burch, 2121 North Harvard, Tulsa, Oklahoma, submitted photographs (Exhibit L-1) and pointed out to the Board that the sign company made application for the sign and that there are mistakes in the measurements. Mr. Burch asked that the size of the sign be 18' 7" instead of 26' and 62 square feet instead of 80 square feet.

Comments and Questions:

Mr. Gardner informed that the amended request is within the Ad Hoc Committee's proposed zoning code amendments as relates to this type of sign.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 420.2 - Accessory Use Conditions - Use Unit 1205) to amend the height limit from 15' to 18' 7" (instead of 26') and the 32 sq. ft surface area to 62 sq. ft. (instead of 80 sq. ft.) to allow a sign for an existing church in an RS-3 zoned district; finding that the amended sign size meets the proposed standards of the Code; on the following described property:

East 508' of the west 558' of S/2, S/2, SW/4, NW/4, Section 28, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13611

Action Requested:

Special Exception- Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request an exception to allow an automobile dealership and accessory uses in an OL and CS zoned districts, located at the NW/c of I-244 and Memorial.

Presentation:

The applicant, Don Thornton Ford, was represented by Henry Daubert, Engineer, who submitted a site plan (Exhibit M-1) for an automobile agency. He stated that the agency would be located on approximately 10 acres at the NW corner of I-244 and Memorial. Mr. Daubert pointed out that the property to the West is zoned residential and the business would be accessible from both Memorial and Easton.

Comments and Questions:

Mr. Gardner informed that the application is characteristic of mixed

Case No. 13611 (continued)

commercial and industrial uses and that the Board should consider whether the business is appropriate for the area. He noted that the lot in question is large and across Memorial from an industrial district. All of the homes to the west are on large lots and back to the subject tract.

Board Action:

On MOTION of PURSER and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217) to allow an automobile dealership and accessory uses in an OL and CS zoned district; on the following described property:

All that part of the E/2 SE/4 SE/4 of Section 35, Township 20 N, Range 13 E. of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official United States Government Survey thereof; more particularly described as follows, to-wit:

Beginning at a point in the east boundary of said E/2, SE/4, SE/4, 346.36 feet from the southeast corner thereof; thence S. 78°11'23" W. along the north right-of-way line of East Easton Street a distance of 363.74 feet; thence S. 70°34'54" W. along the right-of-way line a distance of 317.53 feet to a point in the west boundary of said E/2, SE/4, SE/4; thence N. 1°03'26.5" W. along the west boundary of said E/2, SE/4; SE/4, a distance of 733.71 feet to a point 408.93 feet from the northwest corner thereof; thence N. 88°55'48" E. parallel to the north boundary of said E/2, SE/4, SE/4, a distance of 175.00 feet; thence N. 1°03'26.5" W. parallel to the west boundary of said E/2, SE/4, SE/4 a distance of 116.45 feet; thence N. 88°55'48" E. parallel to the north boundary of said E/2, SE/4, SE/4, a distance of 484.51 feet to a point in the east boundary of said E/2, SE/4, SE/4, 292.48 feet from the northeast corner thereof; thence S. 0°59'27" E. along the east boundary of said E/2, SE/4, SE/4, a distance of 682.42 feet to the point of beginning, containing 477,015 square feet or 10.95075 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13612

Action Requested:

Use Variance - Section 610 - Principal Uses Permitted in the Office Districts - Request a use variance to permit Use Unit 25, light manufacturing in an OL zoned district.

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request an exception to permit Use Unit 25, light manufacturing in a CH zoned district.

Variance - Section 250.3 - Modification of the Screening Wall or Fence Requirements - Request a variance to waive the screening requirements, located west of SW/c of 11th Street and 79th East Avenue.

Presentation:

The applicant, Roy Hinkle, 1515 East 71st Street, Tulsa, Oklahoma, represented Chris Robb. Mr. Hinkle explained that Mr. Robb manufactures small oil field valves (Exhibit N-1) and would like to have permission of the Board to construct a building and operate a business at the above stated location. He informed that there are no fumes emitted, no high level noise and no smoke involved in the operation. Mr. Hinkle pointed out that the building will have 10,000 square feet of floor space, including office, warehouse and manufacturing area and will have 10 employees. He further noted that the lot is narrow vacant and covered with trees and shrubs and in order to preserve some of the larger trees, Mr. Robb planned to locate the building on the middle portion of the narrow lot. He stated the property has 3 zoning classifications. Photographs (Exhibit N-2), an aerial map (Exhibit N-3) and a site plan (Exhibit N-4) were submitted.

Comments and Questions:

Ms. Bradley asked Mr. Hinkle if the property drains to both the north and south. Mr. Hinkle explained that the tract of land is high in the middle and does drain both north and south. He noted that the Country Store is located east of the property.

Chris Robb, 6723 South 72nd East Avenue, Tulsa, Oklahoma, explained to the Board that the exterior portion of the building will be approximately 80 percent metal with stone accent on the front.

Ms. Bradley inquired as to the distance from the proposed building to the residence on the south and Mr. Robb stated that the business would be about 250' from the property line.

Interested Parties:

J. Grigar, 1121 South 79th East Avenue, Tulsa, Oklahoma, stated that he lives across from the Country Store and was concerned that an entrance to the business would be off 79 East Avenue. Mr. Robb stated that ingress and egress would be only from 11th Street.

Board Action:

On MOTION of PURSER and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a Use Variance (Section 610 - Principal Uses Permitted in the Office Districts) to permit Use Unit 25, light manufacturing in an OL zoned district; to **APPROVE** a Special Exception (Section 710 - Principal Uses Permitted in the Commercial Districts) to permit Use Unit 25, light manufacturing in a CH zoned district; and to **APPROVE** a Variance (Section 250.3 - Modification of the Screening Wall or Fence Requirements) to waive the screening requirements; finding a hardship imposed on the applicant by the narrow shape of the lot and the multiple zoning in the area; subject to the applicant returning to the Board with a Landscape Plan depicting the trees that will remain and exterior elevations of the proposed building;

Case No. 13612 (continued)

subject to a building permit; subject to lot access only from 11th Street; and subject to no earth change or building permit until the drainage is approved by Storm Water Management; on the following described property:

W/2, E/2, NW/4, NE/4, NE/4, Section 11, T-19-N, R-13-E, containing approximately 2.5 acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13613

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Request an exception to allow Use Unit 17 (automobile and allied activities) in a CS zoned district.

Variance - Section 1217.3 - Use Conditions - Request a variance to permit open air storage and display of merchandise within 300' of an adjoining residential district, located on the SW/c of Mingo Valley Expressway and 11th Street.

Presentation:

The applicant, Roy Hinkle, 1515 East 71st Street, Tulsa, Oklahoma, represented Crow Brothers Toyota and submitted a plat of survey (Exhibit O-1). Mr. Hinkle noted that the property in question was previously occupied by Guaranty Bank and is located next to the by Mingo Valley Expressway. He asked the Board to grant permission to attach an additional small building to the existing facility on the west and to operate a car sales business on the location. Mr. Hinkle stated that the main building which previously housed the bank will be used for office space.

Ms. Purser stated that she is concerned with the noise of slamming doors, since there are residences directly behind the proposed car lot. Mr. Hinkle pointed out that the Police Department next door has a higher level of noise during shift change than a car lot would ever have.

Protestants:

Mary Bennett, 1125 East 12th Street, stated that she lives behind the Police Station and is not opposed to car sales, but is concerned with the noise and fumes of auto repair. Ms. Bennett further stated that the bright pole lights are offensive to her and that she would not be in favor of waving sign displays (streamers) that are commonly used by car lots.

Don Lambert, spokesman for Crow Toyota, stated that the maximum cars on the lot would be 125. He stated that the cars that are kept over night for maintenance will be parked on the west side of the building and the signage will be on the front of the lot. Mr. Lambert informed that the pole lights on the car lot would be adjusted to accommodate the residential area.

Case No. 13613 (continued)

Ms. Bradley asked how high the sign for the lot would be and Mr. Lambert stated that it would be approximately 30' high.

Board Action:

On MOTION of PURSER and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts) to allow Use Unit 17 specifically for automobile and allied activities in a CS zoned district; and APPROVE a Variance (Section 1217.3 - Use Conditions) to permit open air storage and display of merchandise (automobiles) within 300' of an adjoining residential district; subject to no body work being done on the site; subject to owner maintaining the screening fence which will be constructed of wood, stone or comparable material and not being metal; subject to lighting being directed away from the residential area and onto the lot; subject to no flag displays (streamers, etc.) within 200' of the adjoining housing addition; subject to no signage except on the northeast corner of the lot, and that the sign not exceed 30' in height; subject to overhead doors being placed only on the north or east end of the service garage; and subject to all automobile sales, both new and used, being conducted toward Admiral Blvd. as stated by the applicant; on the following described property:

EAST TRACT (TOYOTA)

A tract of land lying in the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section 7, Township 19 North, Range 14 East of the Indian Base and Meridian, according to the U. S. Government Survey thereof, in the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows:

Commencing at a point lying 50.00 feet East and 265.00 feet South of the Northwest corner of said NE/4, NW/4; thence S 00° 13'14" E and parallel to the West line thereof a distance of 185.00 feet to a point on the most Northerly line of Crescent Heights Addition according to the recorded plat thereof; thence N 89° 57'46" E along said most Northerly line a distance of 599.06 feet to the point of beginning; thence N 89° 57'46" E along said most Northerly line a distance of 393.15 feet to the Northeast corner of Lot 3, Block 1 of said Crescent Heights Addition, said point lying on the Westerly right-of-way line of U.S. Highway 169; thence N 13° 59'12" W along said right-of-way line a distance of 325.70 feet to a point; thence N 01° 22'34" W along said right-of-way line a distance of 68.92 feet to a point lying 357.00 feet S 89° 57'46" W and 65.02 feet S 01° 22'34" E of the Northeast corner of said NE/4 NW/4; thence S 89° 57'46" W parallel to and 65.00 feet South of the North line of said NE/4 NW/4 a distance of 192.59 feet to a point; thence S 00° 02'14" E a distance of 223.02 feet; thence S 89° 56'30" W a distance of 120.43 feet; thence S 00° 02'14" E a distance of 161.94 feet to the point of beginning, containing 2.4478 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13614

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Request an exception to allow Use Units 12 (Restaurant) and 13 (Convenience Goods and Services) in an IL zoned district, located on the NW/c of 42nd Place and Memorial.

Presentation:

The applicant, Wal-Mart Stores, was represented by Attorney Charles Norman, who explained that a prior approval for Use Unit 14 had been granted by the Board and noted that the store would like to request an exception to allow Use Units 12 and 13, in addition to Use Unit 14 at the above stated location. Mr. Norman submitted a location map (Exhibit P-1).

Board Action:

On MOTION of PURSER and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts) to allow Use Units 12 (Restaurant) and 13 (Convenience Goods and Services) in an IL zoned district; on the following described property:

The southerly 250 ' of the easterly 198.50' of Lot One (1), Block Two (2), "Industrial Equipment Center", an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the plat thereof.

Case No. 13615

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request an exception to allow a mobile home in an RS-3 zoned district.

Variance - Section 440.6 - Special Exception Uses in Residential Districts, Requirements - Request a variance of the 1 year time limitation for a mobile home to permanent, located at 3509 East Latimer Place.

Presentation:

The applicant, Mitchell Forbes, 11218 North 121st East Avenue, Owasso, Oklahoma, asked the Board to allow him to pour a concrete foundation and place a mobile home on a lot at 3509 East Latimer Place. Mr. Forbes stated that he intends to construct an additional room on the mobile and have a permanent residence on the tract.

Comments and Questions:

Mr. Chappelle asked if there are any mobile homes in the area and Mr. Forbes answered that there are no mobiles in the immediate area

Case No. 13615 (continued)

and pointed out that his mobile would be like a house when he finished the planned construction.

Protestants:

H. W. Royalty, stated that he is against mobile homes in the area. He informed that he bought property in the area assuming that the residential character of the neighborhood would endure and expressed concern that property value would decrease if mobiles are allowed.

Phylis Pinkerton, 3242 East Marshall, Tulsa, Oklahoma, stated that she is not against mobile homes, but since the sewer system backs up in her basement, she is opposed to any additional sewer hookups.

Applicant's Rebuttal:

The applicant stated that the tract is owned by his grandmother and at the present is covered with trash and needs to be cleaned up. Mr. Forbes stated that he would have the construction completed in one year and the mobile would have the same appearance as any other house.

Board Action:

On MOTION of PURSER and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13615 until June 27, 1985 to allow the applicant additional time to gain support from adjoining property owners for his project.

Case No. 13616

Action Requested:

Special Exception - Section 240.2 Permitted Yard Obstructions Use Unit 1206 - Request an exception to allow an 8 foot high fence in the front yard in an RS-2 zoned district.

Variance - Section 280 - Structure setback from abutting streets - Request a variance of the 50' setback from the centerline of Peoria to 230' and of the 25' setback from the centerline of 26th Place to 18' to permit construction of a fence, located at 1303 East 26th Place.

Presentation:

The applicant, David Lowe, 1303 East 26th Place, Tulsa, Oklahoma, submitted photographs (Exhibit Q-1) and asked the Board to allow the construction of a brick and wrought-iron wall on his property. Mr. Lowe stated that he has been in contact with Traffic Engineering and will proceed according to their guidelines.

Comments and Questions:

Ms. Bradley asked how high the fence will be and if it will block the view of motorists at the intersection. Mr. Lowe answered that it will be approximately 8' high and informed that 26th Place is very wide where it intersects Peoria and will not obstruct the view of drivers entering that street.

Case No. 13616 (continued)

Board Action:

On MOTION of PURSER and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 240.2 Permitted Yard Obstructions - Use Unit 1206) to allow an 8' wrought iron fence with brick columns in the front yard in an RS-2 zoned district; and to APPROVE a Variance (Section 280 - Structure setback From Abutting Streets) of the 50' setback from the centerline of Peoria to 30' and of the 25' setback from the centerline of 26th Place to 18' to permit construction of a fence; subject to the signing of a Removal Contract, requiring removal of the fence in the event of the widening of Peoria; and subject to approval by Traffic Engineering; on the following described property:

Lot 17, Block 2, Travis Heights, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13617

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1211 - Request an exception to allow a barber and beauty shop in an OL zoned district.

Variance - Section 1320(d) - General Requirements - Request a variance to allow off-street parking on a lot other than the principal lot, located on the SW/c of 15th Street and Denver.

Presentation:

The applicant, John Herrod, was represented by Attorney Barry West, 4111 South Darlington, Tulsa, Oklahoma who submitted a site plan (Exhibit R-1) and a floor plan (Exhibit R-2) for a barber and beauty shop. Mr. West stated that Mr. Herrod and another party had entered into joint transaction to purchase the adjoining lot for required parking. He noted that the shop would have a maximum of 6 operators and would be open five days each week from 8 a.m. until 8 p.m. Mr. West pointed out that the adjacent area is zoned commercial and the property on the south is zoned OL and is occupied.

Comments and Questions:

Mr. Jackere pointed out that a Tie Contract would be needed on the two properties if the parking on the second lot is required parking.

Ms. Purser suggested that fifteen parking spaces for the shop may be insufficient.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13617 until

Case No. 13617 (continued)

June 27, 1985 to allow the applicant to research the parking requirements.

Case No. 13618

Action Requested:

Variance - Section 440.7(a) - Special Exception Uses in Residential Districts, Requirements - Use Unit 1205 - Request a variance of the 50% floor area ratio to 83% in an RM-1 zoned district.

Variance - Section 1205.4 - Off-street Parking and Loading Requirements - Request a variance of the 65 required parking spaces to 50, located on the SE/c of 22nd Street and Memorial.

Presentation:

The applicant, Ina F. Reece, was represented by Wayne Folson, 3790 Augusta, Salem, Oregon, who submitted a revised site plan (Exhibit S-1) and a letter from the architect (Exhibit S-2). Mr. Folson, pointed out that on March 21, 1985 the Board approved the location of the retirement facility at the above stated location, but denied the floor area ratio of 96% and the required parking spaces of 44. He pointed out that the plans have been amended and asked that the Board consider the new figures. He informed that the floor area ratio is now 83% and the parking spaces have been increased to 50. He pointed out that these units are unlike apartments in that the residents are all elderly and very few have a car. Mr. Folson noted that all services are provided for the tenants.

Comments and Questions:

Ms. Purser asked Mr. Folson to address the hardship and he pointed out that there is no zoning classification for this particular type of facility. He stated that 10,000 square feet had been cut away from the original plans in an effort to conform to the requirements.

Mr. Gardner pointed out that the number of dwelling units is double what the zoning would permit. It is similiar to a nursing home, but really does not fit under a Use Unit 5. He stated that if this facility were a motel in a CG commercial zoning district it could have .75 floor ratio and Mr. Folson is asking for .83, which would be excessive even for that area.

Ms. Purser asked Mr. Gardner how many apartments would be allowed on the tract and he answered that about 44 units could be placed on the approximate 2 acres. Mr. Gardner stated that 600 sq. ft. constitutes a dwelling and Mr. Folson noted that the units of the proposed facility are approximately 380 sq. ft.

Ms. Bradley noted that this is a difficult case to determine since there are seemingly no standards to go by.

Case No. 13618 (continued)

Interested Parties:

A representative for the 4th Church of Christ Scientist, 2112 South Memorial, Tulsa, Oklahoma, stated that they have no objection to the center being located in the neighborhood.

Protestants:

Mary Waska, 2237 South 82nd East Avenue, Tulsa, Oklahoma, stated that she is concerned with the water run-off in the area. She stated that several houses in the neighborhood have had water in them and fears that further construction will add to the problem. Ms. Waska noted that there are several nursing homes in the area and sees no need for another one.

Roy Hinkle, 1515 East 71st Street, Tulsa, Oklahoma, pointed out that a hardship was not proven when the case was before the Board in March and in his opinion, one has not been proven on this application. He stated that there had not been a time lapse of 6 months between applications and that the concept is good, but the location is not proper.

Joe Hamra, 2154 South 85th East Avenue, Tulsa, Oklahoma, stated that he was concerned about the number of people and the parking problem it would cause in the area.

Applicant's Rebuttal:

Mr. Folsom stated that the water problem will be solved and that there will only be one person per room. He stated that there will be only 5 employees at the facility at one time.

Board Action:

On MOTION of PURSER and SECOND by WHITE, the Board voted 2-2-0 (Purser, White, "aye"; Bradley, Chappelle, "nay"; no "abstentions"; Clugston, "absent") to APPROVE* a Variance (Section 440.7(a) - Special Exception Uses in Residential Districts, Requirements - Use Unit 1205) of the 50% floor area ratio to 83% in an RM-1 zoned district; and a Variance (Section 1205.4 - Off-street Parking and Loading Requirements) of the 65 required parking spaces to 50; finding a hardship imposed by the fact that the Code does not address this particular type of center; subject to all services being supplied as listed by applicant; subject to no change in the ratio of living space and common area; subject to sprinkling systems being installed; subject to a maximum of 10 cars for the residents; subject to employee vehicles limited to 5; subject to bus service being provided for residents; subject to approval by City Hydrologist; and subject to one kitchen centrally located.

*Case No. 13618 was DENIED for lack of 3 affirmative votes.

Lot 1, Block 1, O'Connor Park 3rd, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13619

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request an exception to allow motorcycle sales and repair in a CS zoned district.

Case No. 13619 (continued)

Variance - Section 730 - Bulk and area requirements in Commercial Districts - Request a variance of the 150' required lot width to 115', located at 3203 East Pine.

Presentation:

The applicant, Randall Daley, 1956 E. Marshall Place, Tulsa, Oklahoma, asked the Board to permit the operation of a motorcycle sales and service shop at the above stated address. Mr. Daley stated that he has approval for sales and would also like to repair the cycles in the building. The applicant pointed out that there is an automotive shop down the street to the west of his property.

Comments and Questions:

Ms. Bradley asked where the building would be on the lot and Mr. Daley pointed out that there is an existing building which is 60' by 60' which was previously used as a car wash.

Ms. Bradley asked the applicant if the noise of the cycles would be offensive to the nearby residences. Mr. Daley stated that he had never had any problem in the past.

Ms. White asked the applicant if the lot on the north of his business is vacant and Mr. Daley answered that it is vacant.

Mr. Jones stated that Mr. Daley has approval for a car wash, but the records do not reflect that he has made application for motorcycle sales; therefore, he would need relief for both sales and repair.

Ms. Hubbard noted that a research of the records showed that the applicant does not need a variance on the property in question.

Protestants:

Attorney Fred Morgan appeared for his parents who live at 3100 East Queen, Tulsa, Oklahoma, who would like to protest the operation of a repair shop because of the noise of the engines. Mr. Morgan stated that his parents live north of the proposed business and that several other neighbors in the area had expressed a concern about the noise and the accumulation of junk on the lot. Photographs (Exhibit T-1) of the yard behind his building were submitted to the Board.

Board Action:

On MOTION of PURSER and SECOND by BRADLEY the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow motorcycle sales in a CS zoned district; and to DENY a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow motorcycle repair in a CS zoned district; and to WITHDRAW a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of the 150'

Case No. 13619 (continued)

required lot width to 115'; subject to only sales and no repair of motorcycles being done on the lot; on the following described property:

The west half of a tract which is more particularly described as follows, to-wit:

The West Half (W/2) LESS the West 100 feet thereof of the South Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (S/2, SE/4, SE/4, SE/4) Section 29, Township 20 North, Range 13 East of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

Case No. 13620

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214 - Request a variance of the 50' setback from an adjacent freeway service road to 22' to permit construction of an addition to an existing building in a CS zoned district, located at 2757 South Memorial.

Presentation:

The applicant, Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma, represented Mr. Ed Cohn, owner of the lot where McCartney Food Store is located. He noted that the store is planning to construct an addition on the south of the existing structure and since the store is built parallel with Memorial and the Skelly Drive is built at an angle, a portion of the addition will encroach upon the service road setback. Mr. Norman asked the Board to allow a setback of 22' to permit construction to proceed.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214) of the 50' setback from an adjacent freeway service road to 22' to permit construction of an addition to an existing building in a CS zoned district; finding that a hardship is imposed by the angle of the expressway and the service road; per plot plan; on the following described property:

A tract of land lying in Lot Nine (9), Block Two (2), TRI CENTER, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, more particularly described as follows, to-wit: BEGINNING at a point on the North line of said Lot 9, said point being 5.00 feet East of the Northwest corner of said Lot 9; thence N 89° 31'17" E along the North line of said Lot 9, a distance of 477.10 feet to a point; thence S 02° 36'20" E, a distance of 573.50 feet to a point; thence S 48° 34'30" W,

Case No. 13620 (continued)

a distance of 114.84 feet to a point, thence N 41°25'30" W, a distance of 50 feet; thence S 48°34'30" W a distance of 147.47 feet to a point; thence N 41°09'20" W a distance of 208 feet to a point; thence S 70°31'13" W, a distance of 133.07 feet to a point 5.00 feet East of the West line of said Lot 9; thence N 0°34'29" W parallel to the West line of said Lot 9, a distance of 572.64 feet to the point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 13262 Substitute plot plan.

Mr. Jones informed that the attorney for the applicant stated that the application for a lot split was previously approved by the Board on August 9, per plot plan. It was discovered during the platting process that a large sewer easement runs through the property and the building had to be shifted south approximately 35'. He stated that the Planning Commission reapproved the new lot split and the applicant is now asking the Board to grant him permission to modify the plot plan and shift the building 35' to the south.

Board Action:

On MOTION of PURSER and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a substitute plot plan for Case No. 13262; per plot plan submitted.

Case No. 13598 - Consider to reconsider case heard by the Board May 30, 1985.

Mr. Jones informed the Board that the applicant, Ridge Kaiser, requested a variance of the front setback and rear setback to allow for a porte cochere, which was denied at the last meeting for lack of 3 affirmative votes. He noted that additional research showed that there are 5 similar cases in the area that have been granted variance setbacks and some specifically for porte cocheres.

Ms. Bradley stated that in her opinion the Board should have some extraordinary reasons before rehearing a case, and asked the applicant to state such reasons.

Ridge Kaiser, 5424 East 17th Street, Tulsa, Oklahoma, stated that the staff has admitted making an error in researching the cases and doesn't want to be forced to take the case to District Court.

Board Action:

On MOTION of PURSER and SECOND by WHITE, the Board voted 3-1-0 (Chappelle, Purser, White, "aye"; Bradley, "nay"; no "abstentions"; Clugston, "absent") to RECONSIDER Case No. 13598.

Mr. Kaiser submitted to Mr. Jackere signed waivers (Exhibit U-1) from adjoining property owners agreeing to waive the 10 day notification of abutting owners. He noted that the 5 approved variances for setbacks in the neighborhood comprises approximately

Case No. 13598 (continued)

20% of the residence in the addition. Photographs of these properties were submitted (Exhibit U-2), also, a new site plan (Exhibit U-3) showing that the main structure of the house is not over the setback.

Mr. Jackere informed the Board that he viewed the waivers from the abutting property owners and they are all properly signed.

Board Action:

On MOTION of WHITE and SECOND by PURSER, the Board voted 3-1-0 (Chappelle, Purser, White, "aye"; Bradley, "nay"; no "abstentions"; Clugston, "absent") to **APPROVE** Case No. 13598; per plot plan and elevations; on the following described property:

Lot 5, Block 5, Braeswood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13541 - Consider to reconsider case heard by the Board on May 30, 1985.

Mr. Chappelle asked the applicant if there is new evidence to present in the case. Mr. Gass, who represented the Tulsa Security Patrol, stated that the evidence presented in the previous meeting was not accurate. He informed that he has spoken with Mr. Powers and he stated that he wrote the letter presented at the last meeting from information received over the phone, and had not seen the heliport.

Ms. Purser asked if the error in evidence was on the part of the Security Patrol and Mr. Gass stated that it was not.

Mr. Jackere informed that the new evidence that Diane Noe presented was heard and that possibly Mr. Gass should have the same opportunity.

Mr. Chappelle asked Mr. Gass if he has other information and he stated that the measurements from the heliport to the nearest house are in error.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **RECONSIDER** Case No. 13541 on July 11, 1985.

There being no further business, the meeting was adjourned at 7:04 p.m.

Date Approved

6.27.85


Chairman

6.13.85:441(26)