

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 442
Thursday, June 27, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 25, 1985, at 11:35 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 BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** the Minutes of June 13, 1985.

UNFINISHED BUSINESS

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.

Variance - Section 1217.3 - Use Conditions - Request a variance to allow open air storage and display of merchandise within 300' of an adjoining R district, located on the SE/c 14th Street and Memorial.

Presentation:

The applicant, J. T. Dunn, 3925 East 58th Place, Tulsa, Oklahoma, stated that he had previously appeared before the Board and was granted permission to operate a used car sales lot on the northeast corner of this intersection. Mr. Dunn explained that at the last meeting it was pointed out that he would also need a variance, in addition to the special exception, to allow display of automobiles within 300' of an adjoining residential area. The applicant submitted photographs (Exhibit A-1) of similar car lots on Memorial.

Comments and Questions:

Ms. Bradley asked the applicant what is on the lot at the present time and Mr. Dunn replied that there is a vacant building, previously a restaurant, on the lot.

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Case No. 13583 (Continued)

Ms. Bradley asked Mr. Dunn to address the hardship and Mr. Dunn answered that obviously, a car lot without a display of automobiles would not be effective.

Ms. White asked if ingress and egress is on 14th Street and Mr. Dunn stated that one driveway is on 14th Street. Ms. White asked if it would be possible to direct the traffic out to Memorial only and the applicant stated that, in his opinion, it would cause a traffic hazard.

Mr. Dunn told the Board that he has spoken with the neighbors and has agreed to encourage prospective buyers to test drive the cars away from the residential neighborhood on 14th Street.

Mr. Gardner informed that there were two protestants at the previous meeting and that their main concern seemed to be the testing of the cars in the interior of the residential section.

Mr. Jackere stated that the land use and whether it is appropriate for the area should be the main consideration of the Board.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-1-0 Chappelle, Clugston, White, "aye"; Bradley, "nay"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District - Use Unit 1217) to allow a used car sales establishment in a CS zoned district; finding that a pattern for used car sales has been established in the area and it would be in harmony with the spirit and intent of the Code; and to APPROVE a Variance (Section 1217.3 - Use Conditions) to allow open air storage and display of merchandise within 300' of an adjoining R district; finding that the approval of a used car sales lot would necessitate the display of automobiles; on the following described property:

W/2 of Lot 1, Block 10, Forrest Acres, City of Tulsa, Tulsa County, Oklahoma.

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' and of the height limitation to permit an addition to an existing church in an RS zoned district, located at 8504 East Skelly Drive.

Presentation:

The applicant, Skelly Drive Baptist Church, was represented by Ray Flynt, who explained that the church is planning to build a new worship center and asked that the Board permit the building to be 40' from the curb and the height to be a maximum of 59'. Mr. Flynt pointed out

Case No. 13584 (Continued)

that the building peaks in the center and at that point it is 59' high. He stated that the planned location is the only portion of their property that is suitable for building a worship center.

Michael Cox, minister for the church, submitted a letter (Exhibit B-1) from Mr. McCreary, a neighbor to the east, who is in support of the proposed construction. Mr. Cox pointed out that the other neighbors are not close to the church and are separated from the tract by a barrier of trees. Mr. Cox submitted photographs (Exhibit B-2) of a church down the street that is 45' in height.

Comments and Questions:

Mr. Jones informed that Charles Robertson, Oklahoma Department of Transportation, has been contacted and he informed that I-44 is to be widened to six lanes in the area, but the plans are to keep the new road in the existing right-of-way; therefore, no additional property will be bought. Mr. Robertson stated that, in his opinion, a 1' setback is inadequate in that area. A memo from Mr. Robertson (Exhibit B-3) was submitted. Mr. Jones noted that he had contacted Storm Water Management and they stated that construction of the church would add drainage problems, however they are unable to calculate the severity of the water run off with the information that they now have.

Protestants:

Imogene Arnot, 8720 East 27th Street, Tulsa, Oklahoma, submitted a petition (Exhibit B-4) signed by area homeowners and stated that the main thrust of their protest is the flooding in the area. Ms. Arnot stated that many of the homes in the neighborhood were flooded last May and that any construction in the area would only add to the water problem.

Maxine Melvin, 8719 East 27th Place, Tulsa, Oklahoma, stated that the building would block the view from her home and is concerned with the water run off.

Ben Tidwell, 8717 East 27th Street, Tulsa, Oklahoma, informed the Board that several houses just one block south of the proposed church have been purchased and moved out because they were in the flood plain. Mr. Tidwell stated that the water problem is his greatest concern.

Applicant's Rebuttal:

The applicant stated that he recognizes that there is a flooding problem in the area and pointed out that the church has no other place to build. He explained that there would not be additional parking and that only 12,000 sq. ft. of land would be covered by the new structure.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 3-1-0 (Bradley, Clugston, White, "aye"; Chappelle, "nay"; no

Case No. 13584 (Continued)

"abstentions"; Purser, "absent") to DENY a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1205) of the 35' front yard setback to 1' and of the height limitation to permit an addition to an existing church in a RS-2 zoned district; finding that the applicant failed to demonstrate a hardship for a variance.

Beginning at a point 602.8 feet east of the SW corner of the NE/4 of the SW/4 of Section 13, T-19-N north, R-13-E east; thence westerly along the south line of said NE/4 of SW/4 a distance of 602.8 feet to a point; thence northerly along the west line of said NE/4 of SW/4 a distance of 240.30 feet to a point; thence N48°34.5' E a distance of 521.70 feet to a point; thence N 41°25.5' W a distance of 25.0 feet to a point; thence N 48°34.5' E a distance of 281.65 feet to a point; thence southerly in a straight line a distance of 784.81 feet to the point of beginning, containing 6.976 acres, more or less, 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, located south of the SE/c of 36th Street and Yale.

Presentation:

Mr. Jones informed the Board that this case was continued to this date to allow the City Commission to hear the zoning case on appeal. The City Commission heard the case and has referred it back to the Planning Commission for further consideration.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-1 (Chappelle, Clugston, White, "aye"; no "nays"; Bradley, "abstaining"; Purser, "absent") to CONTINUE Case No. 13587 to July 25, 1985 to allow Planning Commission review of the zoning case.

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 North Country Club Drive.

Request a refund of the filing fee.

Case No. 13599 (continued)

Presentation:

Mr. Jones informed that the applicant needed additional time to supply Staff with sufficient information to process the case and suggested that it be continued to July 11, 1985.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13599 until July 11, 1985, to allow the applicant to give proper notice.

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 on the NE/c of Admiral Blvd. and Yale.

Presentation:

The applicant, Texaco, Inc., was represented by Casper Jones, 1302 South Fulton, Tulsa, Oklahoma, who submitted a location map (Exhibit C-1) and photographs (Exhibit C-1). Mr. Jones stated that the Board continued the case until today's meeting in order to obtain a written document that supported the fact that a building permit had been applied for by Texaco. He explained that the sign was installed, but was taken down when the permit was denied. Mr. Jones stated that the sign company informed him that their paper work is thrown away when a sign is denied. He stated that Mr. Paul Sands, former Sign Inspector, would address the Board and explain his on site inspection of the sign in question.

Paul Sands, 112 West 7th Street, Sapulpa, Oklahoma, stated that Oklahoma Neon Sign Company called him to perform a site investigation to construct signs at the above stated location. Mr. Sands informed that the Department of Transportation requires a sign to be set 2' from state property and the access road is state property, therefore, he gave a verbal approval to issue the application to the City of Tulsa to obtain a sign permit. Mr. Sands said that he quit his job in October of 1984 and didn't know if the permit was issued. Mr. Sands submitted a copy of the State Code (Exhibit C-2) which explained the State's part in issuing signs in the City of Tulsa.

Comments and Questions:

Mr. Clugston asked Mr. Sands if, at the time he was Sign Inspector, the sign in question met all the requirements. Mr. Sands answered that the sign met all the requirements at that time.

Ken Bode, Building Inspector, stated that he issued the permit for the sign and that it was for a 30' sign. Mr. Bode stated that later he was contacted by phone and informed that a 50' sign was needed. He asked why the sign was not constructed on the east property line where it could be located with an additional 20' setback.

Case No. 13603 (Continued)

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Variance (Section 1221.4 -

Mr. Sands noted that a 50' sign would be needed to be visible from the expressway.

Mr. Bode informed that the Sign Inspector checked the visibility from the expressway and the 30' sign could not be seen from the west bound lane due to the trees to the east of the site.

CS District Use Conditions for Business Sign - Use Unit 1216) of the setback requirements to allow a 50' high pole sign in a CS zoned district; finding an undue hardship imposed on the applicant by the elevation of the expressway and the location of the trees; on the following described property:

Lot 7 and W/2 Lot 8, Block 2, White City, 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 a RS-1 zoned district, located east of NE/c of 41st Street and Wheeling.

Presentation:

The applicant, Stephen Schuller, was represented by Bill Grimm, 610 South Main, Tulsa, Oklahoma, who submitted a site plan (Exhibit D-1). Mr. Grimm asked the Board for a variance of the 30' setback requirement for the proposed houses in the development. Mr. Grimm stated that the Planning Commission had approved a lot split on June 5, subject to the City Engineers review of the site plans and a drainage study of the area. Mr. Grimm explained that without the variance, the private street could not be built and some of the lots would not have access to 41st Street. He stated that the project has met with some opposition in the neighborhood. Mr. Grimm said that the homeowners have voiced their concern about the drainage, density and requirements of the development. He stated that there will be restrictive covenants on all of the property, that seven of the lots are in the guidelines of RS-1 and the proposed drainage plan would be some sort of water detention on the rear of the property. Mr. Grimm informed that a preliminary investigation by their hydrologist of the proposed development determined that in a 100 year flood, without detention, the development would increase the water less than 1/8 inch.

Protestants:

Bill Jones, 201 West 5th Street, Tulsa, Oklahoma, stated that he represents several families in the immediate vicinity of the development in question. He informed that the following are opposed

Case No. 13609 (Continued)

to the project: Lester and Evelyn Nienhuis, 2032 East 38th Street; Charles and Sally Ryan, 4111 South Wheeling; Paul and Margaret Kord, 1857 East 41st Street; Douglas and Hanley Cox, 4017 South Wheeling; Milton and Sue Workman, 2026 East 38th Street; and Reginald Barnes, 2020 East 38th Street. Mr. Jones pointed out that the elevation fall from 41st Street to the proposed project is approximately 20' and that the water drains toward the property of the protestants stated above. Mr. Jones informed the Board that a hardship has not been proven in this case.

Doug Cox, 4017 South Wheeling, Tulsa, Oklahoma, stated that he lives north and west of the proposed development and that his main concern is the flooding in the area. Mr. Cox pointed out that during the Memorial Day flood he had 27 inches of water in his driveway and that he would not like to increase the water run-off problem.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Variance (Section 207 - Street Frontage Required - Use Unit 1206) 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; finding that a hardship was not demonstrated by the applicant; on the following described property;

Lots 6 and 7, Block 1, Royal Oak Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13615

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts, Requirements - Request a variance of the 1 year time limitation for a mobile home to permanently.

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 permanently, located at 3509 East Latimer Place.

Presentation:

Mitchell Forbes, 11218 North 121st East Avenue, Tulsa, Oklahoma, submitted a location map (Exhibit E-1), a plot plan (Exhibit E-2) and photographs (Exhibit E-3). The applicant asked the Board to allow him to place a 14' by 80' mobile home with an add on room on his grandmother's property. Mr. Forbes pointed out that he would put the mobile on a concrete foundation and that it would have the appearance of a house when construction is completed.

Protestants:

James Ball, 4047 East 52nd Place, Tulsa, Oklahoma, submitted a petition (Exhibit E-4) of bordering property owners who are against a mobile in the area. Mr. Ball explained that he feels that one mobile in the area would set a precedent in the neighborhood.

Case No. 13615 (Continued)

Phyllis Pinkerton, 3342 East Marshall, Tulsa, Oklahoma, pointed out that there are several vacant lots in the area and is concerned that if one mobile is allowed, others will want to locate on these lots.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow a mobile home in an RS-3 zoned district; and to DENY a Variance (Section 440.6 - Special Exception Uses In Residential Districts, Requirements) of the 1 year time limitation for a mobile home to permanently; finding that the requests violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The east 130' of the west 195' of Lot 12, Ozark Garden Farms, 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 Barry West, 4111 South Darlington, Tulsa, Oklahoma, who submitted a parking analysis (Exhibit F-1). Mr. West stated that his client has procured a tie agreement for the off-site parking which was required at the last meeting of the Board. He stated that Mr. Jackere has reviewed the tie agreement and that there are 8 parking spaces over and above the Code requirements.

Comments and Questions:

Mr. Jackere pointed out that the applicant has an undivided interest in the lot and the tie agreement provides that the lot not be sold or encumbered in any way other than with the other lots and uses.

Ms. Bradley asked Mr. West to briefly restate his request. Mr. West replied that the shop would be open no earlier than 8 a.m. and would close no later than 8 p.m. He stated that it would operate on a 5 day work week, with a maximum of 6 employees.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no

Case No. 13617 (Continued)

"abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1211) to allow a barber and beauty shop in an OL zoned district; and to APPROVE a Variance (Section 1320 (d) - General Requirements) to allow off-street parking on a lot other than the principal lot; per plan submitted; subject to a tie contract; finding that there are similar uses in the area and that the granting of the variance will not impair the spirit and intent of the Code; on the following described property:

Lot 1, Block 4, Stonebraker Heights, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 13630

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 40' setback from the centerline of 34th Place to 39' to allow an existing dwelling in an RS-3 zoned district, located at 3429 South 151st East Avenue.

Presentation:

The applicant, James Crane, 6973 South Lewis, Tulsa, Oklahoma, submitted to the Board a survey of plat (Exhibit G-1) and a location map (Exhibit G-2). Mr. Crane stated that a new home was constructed at the above stated address and the northwest corner of the house sets over the setback approximately 1'.

Comments and Questions:

Mr. Clugston asked the applicant if the request is to clear the title and the applicant stated that in the future, when the property is sold, he would like to issue a clear title.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206); finding that granting of the variance will not impair the purpose, spirit and intent of the Code; on the following described property:

Lot 1, Block 4, Sunwood Hills Third, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13632

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request a minor variance of the 5' side yard to 3' to permit an addition to an existing residence in an RS-3 zoned district, located at 1415 North Quanah.

Case No. 13632 (Continued)

Presentation:

The applicant, Lewis Dick, was represented by Raymond Teel, Route 7, Box 232-F, Claremore, Oklahoma, who submitted a plot plan (Exhibit H-1), floor plan (Exhibit H-2), and a location map (Exhibit H-3). Mr. Teel stated that the house in question, was built before the 5' setback went into effect and the edge of the garage is within 3' of the north property line. He explained that Mr. Dick is planning an addition to his home and the new wall will extend to the existing garage wall which is over the setback.

Comments and Questions:

Ms. Bradley asked how far from the property line is the house to the north of Mr. Dick's property and Mr. Teel stated that it is approximately 6'. He noted that the neighbor had no objection to the new construction.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206) of the 5' side yard setback to 3' to permit an addition to an existing residence in an RS-3 zoned district; per plot plan; finding that the existing house was built before the current setback was imposed; on the following described property:

N/2 of the south .115' of the N/2 of the W/2 of Block 3, Wa-sah-she Subdivision, City of Tulsa, Osage County, Oklahoma.

Case No. 13635

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 50' setback from the centerline of 73rd East Avenue to 45' to allow an existing residence in an RS-3 zoned district, located at 7211 South 73rd East Avenue.

Presentation:

The applicant, Sam Bates, was not present.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13635 until July 11, 1985.

Case No. 13621

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a Variance of the 30' street frontage to 7.5' handle to

Case No. 13635 (Continued)

permit a lot split in an RS-3 zoned district, located south of SW/c of 25th West Avenue and 48th Street.

Presentation:

The applicant, Jack Stacy, was not present.

Comments and Questions:

Mr. Jones informed that the applicant had requested a lot split.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 3-1-0 (Chappelle, Clugston, White, "aye"; Bradley "nay"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13621 to July 11, 1985.

Case No. 13622

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request an exception to allow a day care center for a maximum of 5 children, as a home occupation in an RS-3 zoned district, located at 3539 South Toledo.

Presentation:

The applicants, Charles and Susan Eckelt, 3539 South Toledo, Tulsa, Oklahoma, submitted a copy of their State Child Care License (Exhibit I-1). Ms. Eckelt stated that the license is not for a day care center, but for a day care home, which allows her to take care of a maximum of 5 children in her home. She submitted a petition (Exhibit I-2) signed by 46 of her neighbors stating that they were not opposed to the operation of the day care home. Ms. Eckelt informed that she takes care of a 7 month old baby, a 9 month old baby, two 1 year old children and a two year old child.

Comments and Questions:

Mr. Jackere asked if anyone from the City had informed her that she could not have the child care in her home. Ms. Eckelt stated that she had been contacted a few weeks ago by the City and that is why she is appearing before the Board. She informed that she had no idea she was in violation of the Zoning Code or she would have gotten permission 4 years ago when she started the operation.

Ms. Bradley asked Ms. Eckelt to state the size of her home. Mr. Eckelt replied that the house is approximately 1750 sq. ft. Ms. Eckelt pointed out that, according to the State, a certain square footage per child is required.

Carol Pelt, Department of Human Services, stated that there are 4 licensed homes in the square mile where Ms. Eckelt is located. She stated that licenses are given according to safety, minimum square footage and limit the number of children to 5. Ms. Pelt explained to the Board that these child care homes are monitored by the State regularly. She pointed out that there is a very great need for toddler care since some day care facilities do not offer services for the very young.

Case No. 13622 (Continued)

Mr. Chappelle asked if there are 4 licensed homes in the same area as the Eckelt home and Ms. Pelt replied that there are 4 in the area and 1 in the same block.

Mr. Chappelle asked Ms. Pelt to state the name of the operator of the home located in the same block and Ms. Pelt stated that Gloria Turhune is the name of the person who lives about 5 houses down from the Eckelt home, and is licensed with the State.

Ms. Bradley inquired as to the hours of operation for the child care home. Mr. Eckelt informed that the home is open from 7:30 a.m. to 5:20 p.m.

Ms. White asked Mrs. Eckelt if she has children that live in the home and she answered that she has 3 children of her own, all above 5 years of age.

Terry Clee, 4134 East 38th Street, Tulsa, Oklahoma, informed the Board that Mrs. Eckelt is currently caring for her child and expressed her desire to have her continue the service.

Debbie DoRemus, 1715 South Cincinnati, Tulsa, Oklahoma, stated that Ms. Eckelt keeps her 7 month old baby boy and that she has never noted a traffic problem in the neighborhood.

Protestants:

Clinton Garland was represented by Attorney Steve Hickman, 1700 Southwest Boulevard, Tulsa, Oklahoma, who submitted a petition (Exhibit I-3) of homeowners that oppose the day care home in the area. Mr. Garland lives next door to the Eckelt home. Mr. Hickman explained that the neighbors who signed the petition are primarily older people who have lived in the area for many years and feel that this business is injurious to the neighborhood. He submitted a photograph (Exhibit I-4) showing that the garage has recently been remodeled to accommodate the business. He informed that, according to Mr. Garland, at times there are 6 or 8 children there in addition to the 3 children that live in the home. Mr. Hickman stated that the quality of care is not the issue, but rather, the operation of a day care facility in a residential neighborhood.

Clinton Garland, 3535 South Toledo, Tulsa, Oklahoma, informed the Board that he does not doubt the quality of care at the day care, but is annoyed by the light located on a 15' pole and the slamming of car doors early in the morning. Mr. Garland stated that he protests the operation of a business in the residential area.

Randy Woodard, 3530 South Toledo, Tulsa, Oklahoma, informed the Board that he lives across the street from the Eckelt home and is opposed to the operation of the business in the area. He stated traffic is a problem in the neighborhood and that on one occasion a car from the Eckelt driveway rolled across the street and into his yard.

Case No. 13622 (Continued)

Applicant's Rebuttal:

Ms. Eckelt informed the Board that the garage was not converted to be used for a day care business, but for the family to use as a den.

Mr. Chappelle asked the applicant if she could operate within the guidelines of the Home Occupation Requirements and she stated that she would abide by the rules.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 2-2-0 (Chappelle, Clugston, "aye"; Bradley, White, "nay"; no "abstentions"; Purser, "absent") to **DENY*** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1206) to allow a day care center for a maximum of 5 children, as a home occupation in an RS-3 zoned district; finding that the center is not in harmony with the spirit and intent of the Code; on the following described property:

Lot 2, Block 4, Redbud, City of Tulsa, Tulsa County, Oklahoma.

*Three (3) affirmative votes are required to approve an application.

Case No. 13623

Action Requested:

Variance - Section 1340 - Design Standards for Off-Street Parking Areas - Use Unit 1205 - Request a variance of the required all weather parking surface to allow crushed rock to be used for a period of one year in an RS-2 zoned district, located at 13600 East 24th Street.

Presentation:

The applicant, Fred Gilmore, was represented by Attorney M.M. McDougal, 320 South Boston, Tulsa, Oklahoma, who submitted a soil analysis report (Exhibit J-1). Mr. McDougal asked the Board to allow the use of crushed rock for a church parking lot during a one year period to allow the soil to adequately stabilize.

Joe Coleman, 610 South Main, Tulsa, Oklahoma, pointed out that there is a high volume change in the elasticity of the soil in the area. He stated that the building is built on a pre-tension slab because of the soil condition.

Board Action:

On MOTION of CLUGSTON SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Variance** (Section 1340-Design Standards for Off-Street Parking Areas - Use Unit 1205) of the required all weather parking surface to allow crushed rock to be used for a period of one year in an RS-2 zoned district; finding a hardship imposed by the extreme soil condition in the area; subject to the crushed rock being used for the parking area up to one year, but not to exceed one year; on the following described property:

Case No. 13623 (Continued)

The east half (E/2) of the southeast quarter (SE/4) of the southeast quarter (SE/4) of the northwest quarter (NW/4) of Section 16, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma.

Case No. 13624

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1225 - Request an exception to allow decorative metal work in a CG zoned district, located on the SW/c of 101st Street and Delaware.

Presentation:

The applicant, Roy Gann, was represented by Terry Stowe, 7046 East 52nd Place, Tulsa, Oklahoma, who submitted a site plan (Exhibit K-1). Mr. Stowe explained that Mr. Gann purchased the property in question in 1975 and thought he would be permitted to move his metal design business from 15th and Florence to the new location (Exhibit K-2). He stated that Use Unit 25 allows for sheet metal and welding work and that, according to Paula Hubbard, Mr. Gann's business would be in this category. Mr. Stowe noted that the river is to the west of the property and Storm Water Management has approved the plan, as has Traffic Engineering, and asked the Board to grant the special exception in order that he could proceed with construction.

Comments and Questions:

Ms. Bradley asked if the work is done inside the building and Mr. Stowe answered that the metal work will be done inside the proposed 7,000 sq. ft. building.

Mr. Gardner noted that all of the intersection corner is zoned commercial. He noted that the building inspector is saying that this is a manufacturing operation because a product is produced, but the applicant, evidently, was under the impression that he was under Use Unit 15 which is a business service.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1225) to allow decorative metal work in a CG zoned district; per plot plan submitted; on the following described property:

Lot 1, Block 1, Unique Metal Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13625

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a use variance to allow an office in an RS-3 zoned district, located at 2322 East 13th Street.

Case No. 13625 (Continued)

Presentation:

The applicant, Judith Fore, 7311 South Gary, Tulsa, Oklahoma, submitted a site plan (Exhibit L-1) and explained that she purchased a HUD project in March and discovered that the property is zoned both residential and office. Ms. Fore asked the Board to permit her to use the space for offices.

Comments and Questions:

Ms. Bradley asked if there is a house on the property and Ms. Fore stated that there is a very old house on the lot.

Mr. Jones informed that the City Commission approved the rezoning of the entire block in 1970, and that approximately 43' on the south of the subject tract is zoned OM office and the remainder is zoned RS-3.

Ms. Bradley asked what is located on the lot to the west of the property in question and Ms. Fore informed that there is an occupied duplex on the lot.

Interested Parties:

Allen Knutsen, 7482 East 20th Street, Tulsa, Oklahoma, stated that the duplex on the west has been occupied for many years. Mr. Knutsen suggested that the RS-3 zoning was intended to be a buffer for the residential area across the street.

Mr. Jones informed that the property in question would be subject to a plat.

Board Action:

On MOTION of WHITE and SECOND by CLUGSTON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Use Variance**; per plot plan; finding an unnecessary hardship imposed on the applicant by the multiple zoning in the area; subject to a 6' screening fence being constructed on the west boundary of the lot in question; on the following described property:

Lot 3, Block 10, Resub Terrace Drive, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13626

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1209 - Request an exception to allow a mobile home in an AG zoned district, located north of the NW/c of 31st Street and Lynn Lane.

06.27.85:442(15)

Case No. 13626 (Continued)

Presentation:

The applicant, I. N. Berman, was represented by his son, Gary Berman, 5828 East 61st Place, Tulsa, Oklahoma, who submitted a plot plan (Exhibit M-1). He asked the Board to permit him to locate a mobile home approximately 1,600' west of Lynn Lane Road and 700' north of 31st Street. Mr. Berman stated that the mobile will not be visible from the street because of the density of the trees in the area.

Comments and Questions:

Ms. Bradley asked if there is a septic tank on the property and Mr. Berman answered that one would be installed at a later date.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Special Exception** (Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1209) to allow a mobile home in an AG zoned district; subject to the mobile home being located a minimum of 1,500' from Lynn Lane Road; subject to Health Department approval; on the following described property:

Reserve A, Valley View Acres Third, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13627

Action Requested:

Special Exception- Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1211 - Request an exception to permit a satellite dish as an accessory use for an existing insurance office in a CS zoned district, located at 9960 East 21st Street.

Presentation:

The applicant, Gary Miller, 9960 East 21st Street, Tulsa, Oklahoma, asked permission to install a satellite dish on the roof of the building at the above stated address. Mr. Miller informed that on May 2 a similar request was granted to another insurance office in the city. He stated that the dish will be concealed and not visible from the street and has been approved by FCC. A brochure (Exhibit N-1) was submitted.

Comments and Questions:

Ms. Bradley asked how high the dish will be and Mr. Miller replied that the height is 3 1/2' high and 6' long.

Mr. Clugston inquired as to the use of the dish and the applicant stated that the satellite dish receives computer signals from the home office.

Case No. 13627 (Continued)

Board Action:

On MOTION of BRADLEY and SECOND by CLUGSTON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1211) to permit a satellite dish as an accessory use for an existing insurance office in a CS zoned district; finding that the granting of the special exception does not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 1, Block 1, County Harbor Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13628

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 one year time limitation for a mobile home to permanently, located at 2324 North Birmingham.

Presentation:

The applicant, Bill Click, who was represented by Bob Snyder, asked the Board to allow a 14' x 80' mobile home to be tied to an existing dwelling at the above stated address. Mr. Snyder stated that the two units will be enclosed with brick and made to look like one house.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 3-1-0 (Chappelle, Clugston, White, "aye"; Bradley, "nay"; no "abstentions"; Purser, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440.6 - Special Exception Uses in Residential Districts, Requirements) of the one year time limitation for a mobile home to permanently; finding that the completed structure will not have a detrimental affect on the area; and finding a hardship imposed by the language of the Code, in that, granting the request to tie two units together would necessitate the granting of the variance; on the following described property:

Lots 69 and 70, Block 6, Tulsa Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13629

Action Requested:

Special Exception - Section 1450 (b) - Structural Nonconformities - Use Unit 1206 - Request an exception to allow the repair of a nonconforming structure (residence) in a CH zoned district, located at 1807 North Fulton.

Presentation:

The applicant, Luis Arroyave, 13042 East 16th Place, Tulsa, Oklahoma, submitted a floor plan (Exhibit O-1) and explained that he purchased an older house and when repairs were being made, it was discovered that there was extensive termite damage. Mr. Arroyave asked the Board to allow him to demolish the existing house and rebuild another one with the same dimensions.

Comments and Questions:

Ms. Bradley asked if the property adjoining the lot in question is residential and Mr. Arroyave pointed out that there are homes on the north and west, and another on the south that is being demolished.

Board Action:

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Special Exception** (Section 1450 (b) - Structural Nonconformities - Use Unit 1206) to allow the repair of a nonconforming structure (residence) in a CH zoned district; finding that the special exception requested does not violate the spirit and intent of the Code and the Comprehensive Plan; subject to a Building Permit; on the following described property:

Lot 8 and 9, less the south 25' Block 33, original Township of Dawson, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13631

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1214 - Request an exception to allow a retail business in an IL zoned district, located at 8177 East 44th Street.

Presentation:

The applicant, Al St. John, who was represented by Attorney Kenneth East, 11704 East 21st Street, Tulsa, Oklahoma, submitted a location map (Exhibit P-1) and a parking map (Exhibit P-2). Mr. East pointed out that his client would like to operate a retail warehouse in one of the older industrial areas. The store will be open from 10:00 a.m. until 10:00 p.m.

Case No. 13631 (Continued)

Comments and Questions:

Ms. Bradley inquired as to what type of business Mr. St. John would be operating and Mr. East replied that the business sells furniture.

Mr. Chappelle asked Mr. East if the store would be open 6 days each week and he stated the business would be open 7 days a week some of the time and would have more than adequate off street parking.

Interested Parties:

Harold Burlingame, 6660 South Lewis, Tulsa, Oklahoma, stated that he owns property at 44th and Memorial and wanted to be reassured that the business would have adequate parking. Mr. Burlingame informed that he does not want the warehouse customers parking on his lot.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1214) to allow a retail furniture business in an IL zoned district; finding that this type of business is compatible with the area; and the use does not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The North 150' of Lots 9, 10, and 11, Block 1, Memorial Industrial Park, City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Lots 12 through and including 17 of Block 1, Corrected Plat of Memorial Industrial Park, a sub-division in the S/2 of NW/4 of Section 25, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma, according to the record plat thereof.

Case No. 13633

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request a variance of the 25' rear yard setback to 12' to permit construction of a residence in an RS-1 zoned district, located at 2445 East 30th Street.

Presentation:

The applicant, Architectural Resources, was represented by David Center, 2100 North 26th Street, Broken Arrow, Oklahoma, who submitted a site plan (Exhibit Q-1) and a location map (Exhibit Q-2). Mr. Center stated that a house is being designed to fit on the lot at the above stated address and because of the unusual shape of the lot and the large trees a variance of the rear yard setback is requested.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no

Case No. 13633 (Continued)

"abstentions"; Purser, "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206); per plan submitted; finding that the unusual shape of the lot imposes a hardship on the applicant; on the following described property:

All that part of Lots 1, 13, and 14, Block 4, South Lewis Park, and addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows, to-wit: Commencing at the NW/c of Lot 1; thence Easterly along the North line of Lot 1 a distance of 6.25 feet to a point; thence Southwesterly a distance of 114.0 feet to a point; said point being 9.20 feet Easterly of the Southeast Corner of Lot 2; thence in a Southeasterly direction along a line toward a point 12.37 feet Easterly of the SW/c of Lot 1, a distance of 43.27 feet to the Point of Beginning; thence in a Southwesterly direction at an angle to the left of 89°58'17" from the last described line, a distance of 57.75 feet to a point; thence in a Northwesterly direction to a point on the North line of Lot 13, 45.0 feet Westerly of the NW/c of Lot 13; thence Southerly a distance of 182.89 feet to a point on the South line of said Lot 13, said point being 64.06 feet Westerly of the SE/c of said Lot 13; thence Easterly along the South lines of Lots 13, 14, and 1 a distance of 176.43 feet to a point, said point being 12.37 feet Easterly of the SW/c of said Lot 1; thence Northwesterly a distance of 100.73 feet to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13634

Action Requested:

Variance - Section 930 - Blk and Area Requirements in the Industrial Districts - Use Unit 1211 - Request a variance of the 75' setback from an abutting R district to 20' to permit construction of a structure in an IL zoned district.

Special Exception - Section 250.3 - Modifications of the Screening Wall or Fence Requirements - Request an exception to waive the screening requirements, located west of the SW/c of 33rd Street and Memorial.

Presentation:

The applicant, Landmark Land Company, was represented by Frank Luen, 8716 East 91st Place, Tulsa, Oklahoma, who submitted a site plan (Exhibit R-1) and a location map (Exhibit R-2). Mr. Luen explained that the property in question is south of East 33rd Street South, which is in the Landmark Business Park, and about a block off Memorial. Photographs (Exhibit R-3) were submitted of the Chrysler Dealership on the east boundary. Mr. Luen informed that the land to the north and west of the property is vacant and unimproved, and the

Case No. 13634 (Continued)

Tulsa County Vo Tech School, which is zoned R, abutts the property on the south. He asked the Board to waive the screening requirements on the south, which is buffered by a line of trees. Mr. Luen stated that the proposed building will be a 33,000 sq. ft. medical building with 153 parking spaces.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1211) of the 75' setback from an abutting R district to 20' to permit construction of a structure in an IL zoned district; and to APPROVE a Special Exception (Section 250.3 - Modifications of the Screening Wall or Fence Requirements) to waive the screening requirements; finding the fence would serve no purpose; located west of the SW/c of 33rd Street and Memorial:

All that part of the N/2, SE/4, NE/4, of Section 23, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official United States Government Survey thereof, more particularly described as follows, to-wit:

Beginning at a point in the South boundary of said N/2, SE/4, NW/4, 549.95 feet from the Southwest corner thereof; thence N 0°01'30" W a distance of 297.12 feet to a point in the South right-of-way line of East 33rd Street South; thence N 83°14'30" E a distance of 0.00 feet; thence along the right-of-way line on a curve to the right having a radius of 120.00 feet a distance of 14.10 feet; thence N 89°58'30" E along the right-of-way line a distance of 275.93 feet; thence S 0°01'30" E a distance of 298.14 feet to a point in the South boundary of said N/2, SE/4, NE/4, 486.57 feet from the Southeast corner thereof; thence N 89°59'11" W along the South boundary of said N/2, SE/4, NE/4, a distance of 290.00 feet to the point of beginning, containing 86,429 square feet or 1.98413 acres, more or less.

AND

All that part of the N/2, SE/4, NE/4, of Section 23, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official United States Government Survey thereof, more particularly described as follows, to-wit:

Beginning at a point in the South boundary of said N/2, SE/4, NE/4, 174.95 feet from the Southwest corner thereof; thence N 0°01'30" W a distance of 200.28 feet to a point in the South right-of-way line of East 33rd Street South; thence along the right-of-way line as follows: N 89° 57'52" E a distance of

Case No. 13634 (Continued)

139.67 feet; thence on a curve to the left having a radius of 230.00 feet a distance of 140.46 feet; thence N 54°58'30" E a distance of 59.43 feet; thence on a curve to the right having a radius of 120.00 feet a distance of 59.20 feet; thence N 83°14'30" E a distance of 0.00 feet; thence S 0°01'30" E a distance of 297.12 feet to a point in the South boundary of said N/2, SE/4, NE/4, 776.57 feet from the Southeast corner thereof; thence N 89°59'11" W along the South boundary of said N/2, SE/4, NE/4, a distance of 375.00 feet to the point of beginning, containing 84,631 square feet or 1.94286 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13636

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1215 - Request a variance of the 50' setback from the centerline of Peoria to 33' to allow an existing pole sign in a CH zoned district, located at 3840 South Peoria.

Presentation:

The applicant, Lee Taylor, 3840 South Peoria, Tulsa, Oklahoma, stated that the pole sign in question has been in place for 26 years and asked permission of the Board to modify it. Photographs (Exhibit S-1) and a location map (Exhibit S-2) were submitted. The applicant submitted a letter (Exhibit S-3) of explanation regarding a previous Board decision regarding the sign for the business at the above stated address.

Comments and Questions:

Mr. Chappelle asked the applicant if there are other signs in the area that are as close to the street as the one in question. Mr. Taylor replied that there are many signs that are closer to the centerline of the street than the one for the cleaners.

Mr. Clugston stated he understood that in the previous February meeting, the portable signs were removed and the original sign modified. Mr. Taylor pointed out that the cleaning establishment has lost 30 percent of its business since the removal of the portable signs and that he would like to add additional signs on the existing pole in order to have more exposure to the public.

Ken Bode, Protective Inspections, stated that he denied the application for the two hanging signs below the existing one because it is too close to the street and the additional sign would hang below the 10' limit.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1215) of the 50' setback from the centerline of Peoria to 33' to

Case No. 13636 (Continued)

allow an existing pole sign in a CH zoned district; finding a hardship demonstrated by the older protruding buildings in the area; finding that the sign has been in place for 26 years and is in harmony with the neighborhood; subject to the additional sign being no lower than 8' from the ground; subject to the new sign being placed on the west side of the existing pole; and subject to the total signage not exceeding 150 square feet; on the following described property:

That part of Lot 2, Brockman's Subdivision, in Tulsa County, Oklahoma, according to the recorded plat thereof, more particularly described as follows: Beginning at a point 100 feet North of the SE/c of said Lot 2, thence West 150 feet, thence North 50 feet, thence East 150 feet, thence South 50 feet to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13637

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1202 - Request an exception to allow a tent revival in a CS zoned district, located on the SE/c of 56th Street North and Cincinnati.

Presentation:

Mr. Jones submitted a letter (Exhibit T-1) to the Board from Glenco International, owners of the property at the above stated location, stating that the company revokes permission to have a tent revival on their land.

The applicant, Dwayne Blue, was represented by Charles Evans, 14314 N. Iriquois, Tulsa, Oklahoma, who informed the Board that the Glenco Company owns the property across the street from the intended location of the tent revival.

Comments and Questions:

Mr. Clugston informed Mr. Evans that the property across the street is a county park. Mr. Evans explained that he had obtained permission from Tulsa county to hold the meeting in the park.

There was discussion that the application was advertised on the wrong property and it was determined that the County Board should hear the case.

Board Action:

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DISMISS Case No. 13637; finding that the property in question is not in the City of Tulsa.

Case No. 13638

Action Requested:

Special Exception- Section 710 - Principal Uses Permitted in the Commercial Districts - Request an exception to permit Use Unit 17, automotive and allied activities, in a CS zoned district.

Variance - Section 1217.3 - Use Conditions. Request a variance to permit open air storage or display of merchandise within 300' of an adjoining R district, located at 3220 South Yale.

Presentation:

The applicant, Glen Sauer, was not present.

Board Action:

On MOTION of WHITE and SECOND by CLUGSTON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13638 to July 11, 1985.

Case No. 13639

Action Requested:

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

Variance - Section 1217.3 Use Conditions - Request a variance to allow open air storage and display of merchandise within 300' of an adjoining R district, located on the NW/c of Sheridan and Queen.

Presentation:

The applicant Joe Raniewicz, was not present.

Board Action:

On MOTION of WHITE and SECOND by CLUGSTON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13639 to July 11, 1985

Case No. 13640

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request an exception to allow a car wash in a CS zoned district, located east of NE/c Sheridan and 91st Street.

Presentation:

The applicant, Harold Burlingame, 6660 South Lewis, Tulsa, Oklahoma, submitted photographs (Exhibit U-1) of a proposed car wash. Mr. Burlingame stated that the structure will be all brick and that a screening fence is in place on the north.

Case No. 13640 (Continued)

Comments and Questions:

Ms. Bradley asked the applicant what is located on the west of the proposed car wash. Mr. Burlingame answered that a service station is on the property to the west.

Ms. Bradley asked how many bays the car wash will have and Mr. Burlingame replied that there will be six manual bays and one automatic.

Mr. Chappelle asked what kind of screening is in place and the applicant stated that a 6' wood fence is on the back of the property.

Ms. White requested the applicant to state the hours of operation. Mr. Burlingame informed that the car wash would be open 24 hours each day and that there would be an attendant on duty part of the time.

Protestants:

Walter Lamb, 6533 East 90th Street, Tulsa, Oklahoma, informed the Board that he is the owner of the duplexes to the north of the proposed car wash. Mr. Lamb stated that his duplexes are very nice and feels that the proposed business would be a deterrent to renting the units.

Frank Ferrantino, 8942 South 67th East Avenue, Tulsa, Oklahoma, stated that he owns property to the east of the proposed car wash. Mr. Ferrantino pointed out that there is an existing car wash on the northwest corner of 91st and Sheridan. He informed the Board that the noise created by a 24 hour car wash would be very annoying.

Applicant's Rebuttal:

The applicant pointed out that the Taco Bueno next door will probably be open until 1 o'clock and that there would be a lot of uses that would be more detrimental to the neighborhood than a car wash.

Board Action:

On MOTION of BRADLEY and SECOND by CLUGSTON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to DENY a **Variance** (Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217) to allow a car wash in a CS zoned district; finding that the granting of the special exception would be detrimental to the neighborhood and violates the spirit and intent of the Code; on the following described property:

The west 150' of east 297' of Lot 11, Block 1, Resub of Lot 14, Block 2, Chimney Hill South Extended, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

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Case No. 13599 *Shumpke*
13541
STH

The Tulsa Security Patrol has asked that the rehearing of Case No. 13541 be continued until July 25, 1985.

Case No. 13612

Mr. Jones stated that the Board approved this case at the last meeting subject to a landscape plan being submitted at a later date. A landscape plan (Exhibit V-1) was submitted depicting the trees to be retained on the lot.

Presentation:

Roy Hinkle, 1515 East 71st Street, Tulsa, Oklahoma, stated that his client manufactures small stainless steel oil field valves. Mr. Hinkle submitted a landscape plan for the proposed business which points out the trees that will be preserved on the lot.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to APPROVE the landscape plan for Case No. 13612.

Case No. 13613

Mr. Hinkle asked that Case No. 13613 be continued until July 11, 1985 to allow the applicant sufficient time to obtain their building design.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to CONTINUE Case No. 13613 to July 11, 1985.

Case No. 13548

Mr. Jones informed the Board that a setback from 31st Street and a variance of the parking spaces (per a tie contract) was approved at the May 2nd meeting (Exhibit W-1). He noted that the owners of the old Kay's restaurant are constructing a new building, which will also be a restaurant. Mr. Jones stated that the tape of the meeting reflected that there would only be one restaurant on the property. On the tape Mr. Gardner asked Ms. Gibson if she had any intention of opening up another restaurant and she replied that she did not. Mr. Jones stated that the lessee informed him that he did not plan to close his business and, upon the completion of the new building, there would be two restaurants on the tract instead of one.

Mr. Chappelle stated that he understood from the previous meeting that there would be only one restaurant on the lot.

Mr. Gardner pointed out that the reason for the tie contract was to obtain sufficient parking for one restaurant and, in all

Case No. 13548 (Continued)

probability, the two restaurants on the lot will not have the required number of parking spaces.

Mr. Jackere stated that the approval was premised on one restaurant and if the parking requirement is not met, the new restaurant can not be occupied.

H. I. Aston, 3010 South Harvard, Tulsa, Oklahoma, Attorney for Lynn and Ruby Gibson, pointed out that the owners of the restaurants did not intentionally mislead the Board. He stated that after the permit was granted the foundation and the stem walls were set for the new building. Mr. Aston informed the Board that the old restaurant has been burned out since the last meeting and that the leesee is having financial problems.

Mr. Aston informed the Board that the Gibsons do not own the old restaurant, but own the property where it is located.

Ms. Gibson stated that she did not say that the old restaurant was moving into the new building.

Mr. Gardner stated that the Board only discussed parking for one restaurant.

Mr. Chappelle stated that, because of the parking, he would not have voted to approve the request if he had known there were two restaurants involved.

Mr. Clugston informed that the Code requires adequate parking and it appears that the two restaurants on the lot will not meet the Code.

Mr. Jackere informed that if the lease holder of the old restaurant opened up again, the new project could not be used as a restaurant because of inadequate parking.

Case No. 13614

Mr. Jones informed that Charles Norman has asked the Board to strike Case No. 13614.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Purser, "absent") to STRIKE Case No. 13614.

There being no further business, the meeting was adjourned at 6:00 p.m.

Date Approved 7.11.85

Charles J. Coughlin
Chairman