

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 443  
Thursday, July 11, 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 Smith, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 7, 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 1:02 p.m.

MINUTES:

The Board took no action on the Minutes from the June 27th meeting.

**UNFINISHED BUSINESS**

**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.

Presentation:

The applicant, Randy Williams, was not present.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to CONTINUE Case No. 13599 to July 25, 1985 to allow applicant sufficient time to supply Staff with names of adjoining property owners.

**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

Case No. 13635 (continued)

existing residence in an RS-3 zoned district, located at 7211 South 73rd East Avenue.

Presentation:

The applicant, Sam Bates, 6936 South 46th Place, Tulsa, Oklahoma, stated that, according to the survey, the southwest corner of the house in question extends over the building line approximately 5'. Mr. Bates stated that he is in the process of selling the house and would like to give the new buyers a clear title. A survey (Exhibit A-1) was submitted.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts) of the 50' setback from the centerline of 73rd East Avenue to 45' to allow an existing residence in an RS-3 zoned district; finding a hardship imposed on the applicant by the curvature of the street; per survey submitted; on the following described property:

Lot 5, Block 7, Quail Creek, City of Tulsa, Tulsa County, Oklahoma.

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 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 Stacey, 9640 East 25th Street, Tulsa, Oklahoma, submitted a site plan (Exhibit B-1) and explained to the Board that the sewer for the proposed subdivision could be laid 150' across a vacant lot to the west and into the main sewer line. Mr. Stacey stated that the lot split was approved by the Planning Commission.

Comments and Questions:

Mr. Gardner informed that each of the lots has access to 25th Street by way of a private cul-de-sac street.

Mr. Stacey pointed out that he had completed a similar development to the north of the property in question.

Interested Parties:

Roy Price, 2525 West 50th Street, Tulsa, Oklahoma, stated that he lives 75' from the development and was concerned about the sewer system for the development.

Case No. 13621 (continued)

Ms. Bradley asked Mr. Price if he is satisfied with the explanation of the sewer plans for the houses and he stated that he is in agreement with the plans for the development.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of the 30' street frontage to 7.5' handle to permit a lot split in an RS-3 zoned district; per plot plan submitted; finding a hardship imposed by the location of the lots on a private street; on the following described property:

A part of the E/2 of the NE/4 of the SE/4 of the SW/4 of Section 27, T-19-N, R-12-E of the Indian Base and Meridian in Tulsa County, State of Oklahoma according to the U. S. Government Survey thereof, more particularly described as follows, to-wit:

Beginning 300.00 feet South of the Northwest corner of the E/2 of the NE/4 of the SE/4 the SW/4 of said Section 27; thence South 180.00 feet; thence East 160.00 feet; thence North 100.00 feet; thence East 140.00 feet; thence North 30.00 feet thence West 140.00 feet; thence North 50.00 feet; thence West 160.00 feet to the Point of Beginning and containing 33,000 square feet, more or less.

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, George Sauer, was not present.

Comments and Questions:

Mr. Jones informed that he had been unable to contact the applicant. He stated that a message was left asking Mr. Sauer to contact Staff, but there had been no response, and that he was not present at the June 27, 1985 meeting.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to **DENY** without prejudice a **Special Exception** (Section 710 - Principal Uses Permitted in the

Case No. 13638 (continued)

Commercial Districts) to permit Use Unit 17, automotive and allied activities, in a CS zoned district; and to **DENY** without prejudice a **Variance** (Section 1217.3 - Use Conditions) to permit open air storage or display of merchandise within 300' of an adjoining R district; finding that the applicant was not present at two consecutive meetings; on the following described property:

Begin 758' south of the NW/c of NW/4 of Section 22, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma; Thence south 172', east 245', north 172', west 245' to P.O.B.

Case No. 13639

Action Requested:

Special Exception Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request an exception to permit automobiles 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.

Comments and Questions:

Mr. Jones stated that a message to contact Staff was left at the phone number the applicant had supplied and no response was received.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; Purser "abstaining"; Clugston, "absent") to **DENY** without prejudice a **Special Exception** (Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217) to permit automobile sales in a CS zoned district; and to **DENY** without prejudice 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 applicant was not present at two consecutive Board meetings; on the following described property:

Lots 7 and 8, Block 4, Scaggs Addition, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 13643

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206 - Request a variance of the 85' setback from the centerline of Sheridan to 80' and of the 50' setback from the centerline of 65th East Avenue, 67th East Place

Case No. 13643 (continued)

and 68 East Avenue to 40' to permit construction in an RS-3 zoned district, located north of the NE/c of 86th Place and Sheridan.

Presentation:

The applicant, Hammond Engineering, was represented by Adrian Smith, 5157 East 51st Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit C-1). Mr. Smith stated that the property was recently rezoned from agricultural to RS-3 and with that zoning it would be possible to have as many as 80 lots, but only 62 have been platted for the development. He pointed out that the corner lots are restricted by the two major setbacks and would need the variance in order to build the the same size homes on them as the other lots. Mr. Smith informed that the plat has been approved by TMAPC.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Purser, White, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance - (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206) of the 85' setback from the centerline of Sheridan to 80' and of the 50' setback from the centerline of 65th East Avenue, 67th East Place and 68th East Avenue to 40' to permit construction in an RS-3 zoned district; per plot plan; finding a hardship imposed on the applicant by the two major yard setbacks on the corner lots; on the following described property:

Lots 1, 2, and 15, Block 1, Lots 1, 12, 13 and 24, Block <sup>2. Carried</sup> 24, <sup>minutes</sup> 24, 3-20-86  
Lots 1, 2 and 13, Block 3, Lot 1, Block 4, Huntington Place,  
City of Tulsa, Tulsa County, Oklahoma.

Case No. 13650

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required 30' street frontage to 20' to permit a lot split in an RS-1 zoned district, located north of NE/c of Peoria and 29th Street.

Presentation:

The applicant, Michael Parrish, was not present.

Comments and Questions:

Mr. Jones informed the Board that Case No. 13650 has been approved by the Planning Commission.

Board Action:

On MOTION of WHITE 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. 13650 until July 25, 1985.

**Case No. 13651**

**Action Requested:**

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM District - Use Unit 1206 - Request a variance of the 55' setback from the centerline of Braden Avenue to 54' to permit an existing residence in an RS-2 zoned district, located at 4945 East 24th Street.

**Presentation:**

The applicant, Ms. Bill McMohan, 4945 East 24th Street, Tulsa, Oklahoma, presented a plat of survey (Exhibit D-1) and asked the Board to grant a setback variance of 1' to clear the title on an existing house.

**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 **Variance** (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM District - Use Unit 1206) of the 55' setback from the centerline of Braden Avenue to 54' to permit an existing residence in an RS-2 zoned district; per survey submitted; on the following described property:

Lot 7, Block 1, Gracemont 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13658**

**Action Requested:**

Variance - Section 280 - Structure setback from Abutting Streets - Use Unit 1211 - Request a variance of the 50' setback from the centerline of 51st Street to 38' to permit an existing business sign in an OM zoned district, located at 2501 East 51st Street.

**Presentation:**

The applicant, Roy Ensmenger, 307 North 9th, Broken Arrow, Oklahoma, stated that he is the owner of the Spanish Terrace office building at 2501 East 51st Street. Mr. Ensmenger told the Board that the Sign Inspector had informed him that the sign which gives the address and the name of the building lacked 16' 3" having the required 50' setback from the center of 51st Street. The applicant asked permission to leave the 3 1/2' by 4' sign in its present location. He stated that the sign does not block the view of motorist entering the street. Mr. Ensmenger submitted a plat of survey (Exhibit E-1).

**Comments and Questions:**

Mr. Gardner stated that it appeared that the sign is on the city easement and Mr. Ensmenger will have to have City approval, as well as approval of the Board, to leave the sign in its present location.

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Case No. 13658 (continued)

Mr. Chappelle asked how far the sign is from the centerline of the street and Mr. Ensmenger replied that it is 33' 9" from the middle of the street.

Ms. Purser stated that she is inclined to deny the application at 38' and would not be in favor of hearing the case if the sign were to be left at 33' 9".

Gary Ensmenger, 10605 East 67th Street South, Tulsa, Oklahoma, pointed out to the Board that he only had approximate measurements when he made application.

Ms. Purser asked the applicant if there are other signs on the same side of the street that are closer than the one in question. The applicant replied that there are many signs that are closer to the road.

Mr. Gardner pointed out that the sign can not remain where it is presently located without Board of Adjustment approval. He suggested that the applicant may want to readvertise and present the Board with locations of other signs in the area.

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. 13658 until July 25, 1985 to allow the applicant to readvertise.

NEW APPLICATIONS

Case No. 13641

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1214 - Request a variance of the 100' setback from the centerline of Sheridan to 65' to allow construction of a building in a CS zoned district, located on the NW/c of Sheridan and 4th Place.

Presentation:

The applicant, Marwan Alchami, 5739 South 72nd East Avenue, Tulsa, Oklahoma, submitted a location map (Exhibit F-1). Mr. Alchami informed the Board that he would like to construct a building 30' by 35' at the above stated location. He pointed out that without the variance he could not build a building due to the setbacks.

Comments and Questions:

Ms. Purser stated that in her opinion the lot may be too small to build on and perhaps two lots would be needed for the project.

The applicant informed that the Taco Tico across the street has a 65' setback.

Case No. 13641 (continued)

Mr. Gardner pointed out that the business to the north is setting back approximately 80' and that the applicant is asking for 5' to 10' more relief than the closest buildings.

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 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1214) of the 100' setback from the centerline of Sheridan to 65' to allow construction of a building in a CS zoned district; finding that the applicant failed to demonstrate a hardship for the variance requested; on the following described property:

Lot 18, Sheridan Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13642

Action Requested:

Variance - Section 1420 - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1213 - Request a variance to permit remodeling of a nonconforming structure (convenience store) and to permit construction of a storage building in an RS-3 zoned district.

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD, and RM Districts - Request a variance of the setback from the centerline of Apache from 85' to 70', of the setback from the centerline of Yorktown from 50' to 40' and of the rear yard setback from 25' to 5', located at 2033 East Apache.

Presentation:

The applicant, Ron Smiles, 7935 East 59th Street, Tulsa, Oklahoma, submitted a site plan (Exhibit G-1) and explained to the Board that he does not need a setback variance as requested. Mr. Smiles stated that he plans to remodel the exterior and interior of the existing building and operate a convenience store on the property.

Comments and Questions:

Mr. Chappelle asked the applicant if there is an automobile shop in the building and Mr. Smiles stated that an auto body shop was the last business operating there. He informed that there was a grocery in the building previous to the body shop.

Ms. Hubbard pointed out that according to records there was a tailor shop on the property at one time.

Ms. Bradley asked Mr. Smiles what is located north of the property in question and he stated that there is a storage building on the north.



Case No. 13642 (continued)

Mr. Jackere pointed out that if the use is nonconforming, he possibly does not need a permit for remodeling, but to be a nonconforming use there can not be intervening uses that are outside the use groups. He stated that Mr. Smiles would need to prove that the convenience store was established prior to the date the City had zoning jurisdiction and since that time it has been used as such, with the exception of the last 3 years, otherwise the nonconforming rights have expired.

Ms. White asked what hours the store would be open and Mr. Smiles stated that the store hours would be from 6 a.m. to 12.00 p.m.

Protestants:

Ms. Artie Robinson, 2631 North Yorktown, Tulsa, Oklahoma, stated that the building in question has never been used as a convenience store, but was a small neighborhood grocery with no gasoline.

James Robinson, 2631 North Yorktown, Tulsa, Oklahoma, stated that he lives approximately 300' from the property in question and is concerned with the traffic a convenience store would generate.

Board Action:

On MOTION of PURSER and SECOND by WHITE, the Board voted 3-0-1 (Chappelle, Purser, White, "aye"; Bradley, "nay"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13642 to August 8, 1985 to allow the applicant sufficient time to readvertise and permit Staff to view the site.

Case No. 13644

Action Requested:

Special Exception - Section 410-Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to permit a head start program in Marshall Elementary School in an RS-3 zoned district, located on the SW/c of 56th Street and Peoria.

Presentation:

The applicant, Tulsa County Head Start, was represented by Juanita Manseur, 764 East Virgin, Tulsa, Oklahoma. Ms. Manseur asked the Board to grant permission to operate a Head Start Center for children 3, 4, and 5 years old in the Marshall School. She pointed out that the number of children would be determined by the Human Services regulations.

Comments and Questions:

Ms. Bradley asked if the program is in operation during the entire year and Ms. Manseur answered that this particular program would be for 9 months only.

Ms. Purser inquired if the hours would be the same as the regular school hours. Ms. Manseur answered that the hours of operation will

Case No. 13644 (continued)

meet the needs of the families that are served, probably 7 a.m. to 6 p.m.

Ms. White asked how many children will be served and Ms. Manseur answered that they have permission to use two rooms at the school, which would accomodate approximately 40 children.

Protestants:

Darlene Webb, 5531 South Newport, Tulsa, Oklahoma, stated that she has been a resident in the area for many years and is concerned about the quality of the neighborhood. Ms. Webb stated that she is against the free day care provided in a public school building.

Applicant's Rebuttal:

Ms. Manseur pointed out that the Head Start Program serves the poor and the affluent. She informed that the plan for the program is to serve the children in the area and that these same children will be going to Marshall when they are school age.

Board Action:

On MOTION of PURSER and SECOND by WHITE, the Board voted 3-0-1 (Bradley, Purser, White, "aye"; no "nays"; Chappelle, "abstaining"; Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to permit a head start program in Marshall Elementary School in an RS-3 zoned district; subject to the program working with the Tulsa Public School System; subject to the number of children being limited to 70; on the following described property:

NE/4, NE/4, <sup>S</sup>NE/4, Section 36, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13645

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to permit a Head Start Program in Lindsey Elementary School in an RS-3 zoned disrict, located at 2740 East 41st Street North.

Presentation:

The applicant, Tulsa County Head Start, was represented by Juanita Manseur, 764 East Virgin, Tulsa, Oklahoma. Ms. Manseur asked the Board to grant permission to operate a Head Start Center for children 3, 4, and 5 years old in the Lindsey School. She pointed out that the number of children would be determined by the Human Services regulations.

Board Action:

On MOTION of BRADLEY and SECOND by PURSER, the Board voted 3-0-1 (Bradley, Purser, White, "aye"; no "nays"; Chappelle, "abstaining";

Case No. 13645 (continued)

Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to permit a head start program in Lindsey Elementary School in an RS-3 zoned district; subject to the program working with the Tulsa Public School System; subject to the number of students being limited to 70; on the following described property:

Lot 1, Barrett-Evans, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13646

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to permit a Head Start Program in Hoover Elementary School in an RS-3 zoned district, located at 2327 South Darlington.

Presentation:

The applicant, Tulsa County Head Start, was represented by Juanita Manseur, 764 East Virgin, Tulsa, Oklahoma. Ms. Manseur asked the Board to grant permission to operate a Head Start Center for children 3, 4, and 5 years old in the Hoover School. She pointed out that the number of children would be determined by the Human Services regulations.

Board Action:

On MOTION of PURSER and SECOND by WHITE, the Board voted 3-0-1 (Bradley, Purser, White, "aye"; no "nays"; Chappelle, "abstaining"; Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to permit a head start program in Hoover Elementary School in an RS-3 zoned district; subject to the program working with the Tulsa Public School System; subject to the number of students being limited to 70; on the following described property:

Beginning at a point 30 feet east of the northwest corner of the W/2 of the SE/4 of the NW/4 of Section 15, Township 19 North, Range 13 East, Tulsa County, Oklahoma thence easterly along the north line of said SE/4, NW/4, Section 15, a distance of 611.59 feet to a point 20 feet west of the northeast corner of the W/2, SE/4, NW/4, Section 15; thence southerly and parallel to the east line of the W/2, SE/4, NW/4, Section 15, a distance of 931.84 feet; thence westerly and parallel to the south line of said SE/4, NW/4, Section 15, a distance of 145 feet; thence southerly and parallel to the east line of the W/2, SE/4, NW/4, Section 15, a distance of 97.5 feet; thence westerly and parallel to the south line of the W/2, SE/4, NW/4, Section 15, a distance of 465.99 feet to a point 30 feet east of the quarter-section line of the SE/4, NW/4, Section 15;

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Case No. 13646 (continued)

thence northerly and parallel to the quarter-section line of the SE/4, NW/4, Section 15, a distance of 1027.95 feet to a point 30 feet east of the northwest corner of the W/2 of the SE/4 of the NW/4 of Section 15, the point of beginning, containing 13.79 acres, more or less, City of Tulsa, Tulsa County, Oklahoma

.Case No. 13647

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to permit a Head Start Program in Kerr Elementary School in an RS-3 zoned district, located at 202 South 117th East Avenue.

Presentation:

The applicant, Tulsa County Head Start, was represented by Juanita Manseur, 764 East Virgin, Tulsa, Oklahoma. Ms. Manseur asked the Board to grant permission to operate a Head Start Center for children 3, 4, and 5 years old in the Kerr School. She pointed out that the number of children would be determined by the Human Services regulations.

Board Action:

On MOTION of PURSER and SECOND by WHITE, the Board voted 3-0-1 (Bradley, Purser, White, "aye"; no "nays"; Chappelle, "abstaining"; Clugston, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to permit a head start program in Kerr Elementary School in an RS-3 zoned district; subject to the program working with the Tulsa Public School System; subject to the number of students being limited to 70; on the following described property:

All that part of the West Half of Section 5, Township 19 North, Range 14 East, Tulsa County, Oklahoma, more particularly described as follows:

Beginning at the Northeast corner of Lot 1, Block 1, Western Village, and Addition in Tulsa County, Oklahoma; thence North 9°56'15" East a distance of 143.03 feet; thence North 80°28'22" West a distance of 51.67 feet; thence along a curve to the right having a radius of 115 feet a distance of 180.64 feet; thence North 9°31'38" East a distance of 230.01 feet; thence along a curve to the right having a radius of 737.67 feet a distance of 221.12 feet; thence due West a distance of 495.92 feet; thence South 9°34'38" West a distance of 532.36 feet; thence South 14°57'45" East a distance of 94.65 feet; thence South 80°03'45" East a distance of 578 feet to the point of beginning, containing 7.44 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13648

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial Districts - Use Unit 1214 - Request an exception to permit the selling of furniture (retail and wholesale) in an IL zoned district, located at 4584 South Mingo.

Presentation:

The applicant, Louis Levy, 5200 South Yale, Tulsa, Oklahoma, submitted photographs (Exhibit H-1) and asked the Board to allow his client to sell furniture in an industrial district. Mr. Levy pointed out that there are numerous nonconforming commercial uses in the area. The applicant stated that the hours of operation would be from 9 a.m. to 9 p.m., except Sunday, which would be 1 p.m. to 6 p.m. He noted that there would be no outdoor sales on the property, but furniture might be occasionally displayed outside the building. Mr. Levy informed that his client has a 1 year lease on the property which is owned by the M K & T Railroad.

Comments and Questions:

Ms. Bradley asked if the parking is adequate for the business and Mr. Levy stated that there is enough parking to accomodate 50 to 60 cars.

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 the Industrial Districts - Use Unit 1214) to permit the selling of furniture (retail and wholesale) in an IL zoned district, located at 4584 South Mingo; finding that the granting of the special exception would not be detrimental to the area and would be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Beginning 188' northwest and 25' west of the SE/c of the SE/4, SE/4, NW/4 of Section 25, T-19-N, R-13-E: Thence west 415', south 126', east 510', thence north 0°08'44" west and parallel with the east line of said Section 25, a distance of 155' to the point of beginning; City of Tulsa, Tulsa County, Oklahoma.

Case No. 13649

Action Requested:

Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1206 - Request a variance of the conditions of approval (Case No. 11497) to allow access on 5th Street and outside repair of vehicles in an RS-2 zoned district, located at 419 South 129th East Avenue.

Case No. 13649 (continued)

Presentation:

The applicant, Danny Fagg, was not present. Attorney Mark Swabkey, 1736 South Carson, Tulsa, Oklahoma asked the Board to continue Case No. 13649 to allow the applicant to reconsider the application.

Comments and Questions:

Mr. Chappelle read a letter from Code Enforcement (Exhibit I-1) which informed that the conditions stipulated for a truck repair business, granted in 1981 at the above stated address, have been violated.

Board Action:

On MOTION of PRUSER and SECOND by WHITE, the Board voted 3-0-1 (Chappelle, Purser, White, "aye"; no "nays"; Bradley, "abstaining"; Clugston, "absent") to CONTINUE Case No. 13649 until July 25, 1985.

Case No. 13652

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1207 - Request a variance of the lot area from 6,900 sq. ft. to 4,162 sq. ft. of the land area from 8,400 sq. ft. to 4,995 sq. ft.; of the lot width from 60' to 33.5' and of the side yard setback from 5' to 0' to permit lot splits in an RD zoned district, located north and west of 58th Street and Union.

Presentation:

The applicant, Dennis Hall, 4989 South Union, Tulsa, Oklahoma, submitted a survey of plat (Exhibit J-1) and asked the Board to allow him to split duplexes for separate ownership.

Comments and Questions:

Mr. Chappelle asked if there would be any physical changes in the duplexes. Mr. Hall replied no, and that the duplexes are new units.

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 Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1207) of the lot area from 6,900 sq. ft. to 4,162 sq. ft. of the land area from 8,400 sq. ft. to 4,995 sq. ft.; of the lot width from 60' to 33.5' and of the side yard setback from 5' to 0' to permit lot splits in an RD zoned district; per plot plan submitted; on the following described property:

Lots 23, 24, 25 and 26, Block 6 and Lots 2 - 5, 11, 12, and 13, Block 5, Amended plat of Woodview Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13653**

**Action Requested:**

Use Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1221 - Request a use variance to permit an existing outdoor sign in a railroad right-of-way in an RS-3 zoned district, located south of 11th Street and Olympia.

**Presentation:**

The applicant, Omni Sign Co., was represented by Louis Levy, 5200 South Yale, Tulsa, Oklahoma, who submitted a site plan (Exhibit K-1) and photographs (Exhibit K-2). He stated that the sign has been in place for over 2 years and has been owned by different companies. Mr. Levy informed the Board that his client, Omni Sign Company, bought the sign through a public auction in the District Court in 1984. He pointed out that the sign was purchased at a cost of \$27,000 and had a city sign permit at that time. Mr. Levy informed that the sign is on the railroad right-of-way and is zoned for single family homes; therefore, the city sign inspector has revoked the permit. A letter from Paul Sands, previous Sign Inspector, was read before the Board, in which Mr. Sands stated that he issued the sign permit for the sign in question and thought, at that time, the proposed location was in an IH zoned district. Mr. Levy said that his client could move the sign to the CH zoned district to the north if the Board would grant a variance for 6 months.

**Comments and Questions:**

Mr. Chappelle asked if the sign would be closer to a residential neighborhood if it were moved to the north of its present location. Mr. Levy replied that the sign would then be closer to the homes in the area.

Ms. Bradley inquired as to the height of the sign and Mr. Levy informed that the sign is approximately 40' high.

Mr. Linthicum, City Sign Inspector, stated that he received a letter from the Oklahoma Department of Transportation informing the City that the sign is located within the 10' corridor of the highway which is not permitted. Mr. Linthicum pointed out to the Board that the sign should have been placed 400' to the north of the present location.

Roger Lister, Manager of Donrey Advertising, told the Board that he protests the location of the sign in an RS-3 district.

Mr. Jackere pointed out that if the sign is in violation of a State law, the Board cannot rule otherwise.

**Applicant's Rebuttal:**

Mr. Levy pointed out that the 10' overhang was adopted on March 8, 1985 and therefore the sign is nonconforming.

Case No. 13653 (continued)

Ms. Bradley asked if the sign is the proper size and Mr. Bode stated that there were no size limitations at the time the sign was permitted.

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 Use Variance (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1221) to permit an existing outdoor sign in a railroad right-of-way in an RS-3 zoned district; finding that the sign is across from industrial zoning; 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:

Begin 345' north and 510' west of the SE/c of the NE/4, NW/4 of Section 11, T-19-N, R-12-E, Thence north 50', west 100', south 100', east 100', north 50' to P.O.B, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13654

Action Requested:

Variance - Section 1221.7(6) - Use Conditions for Outdoor Advertising Signs - Use Unit 1221 - Request a variance of the 1200' spacing between outdoor advertising signs to 960' to permit an existing sign in a CH zoned district, located at 1004 East 4th Street.

Presentation:

The applicant, Omni Sign Company, was represented by Louis Levy, 5200 South Yale, Tulsa, Oklahoma, who submitted photographs (Exhibit L-1) and invoices for sign placement (Exhibit L-2). Mr. Levy stated that the sign in question is 958' from a Donrey sign, instead of the required 1200', and asked the Board to grant a variance to allow it to remain in the present location. He pointed out that in 1984 when the sign was erected the spacing requirement was 750' instead of 1200'. Mr. Levy submitted a letter (Exhibit L-3) from Paul Sands, former Sign Inspector, in which he stated that he issued a permit for the Omni sign after finding that the proposed site was 750' from any other sign. The letter said that the Omni sign and the Donrey sign that are now in place, are in two different corridors.

Comments and Questions:

Mr. Jackere asked Mr. Sands how he determined what corridor the signs were in and Mr. Sands replied that a corridor is an area 400' wide along a freeway. He pointed out that there is a corridor off Highway 244 and a corridor off Highway 75. Mr. Jackere asked if it



Case No. 13654 (continued)

were possible for one sign to be located in two corridors and Mr. Sands stated that it may be possible.

Protestants:

Mr. Chappelle read a letter from Carolyn Johnson, 1013 East 5th Street, Tulsa, Oklahoma, who opposed the sign.

W. C. Tomsen, 5315 East 115th Street, Tulsa, Oklahoma, informed the Board that he owns property in the area and objects to the large sign.

Charles Cothey, represented the Allied Realty Company, P.O. Box 40, Sand Springs, Oklahoma, and stated that he is not opposed to the sign in its present location, but would be strongly opposed to moving the sign.

Roger Lister, 7777 E. 38th Street, Tulsa, Oklahoma, stated that he is employed by Donrey Sign Company. Mr. Lister stated that the Donrey sign has been in place for 15 years and that Mr. Sands was informed when he issued the Omni permit that the spacing was too close to the existing sign. He noted that Ray Greene had informed the Omni company that the permit was rejected before construction had begun, but they proceeded with the erection of the sign.

Additional Comments:

Ms. Purser asked Mr. Bode if anyone in the Sign Inspection Department conversed with the Omni Sign Company. Mr. Bode stated that Mr. Green talked to the manager of the Omni Company and told him not to construct the sign. (The Board asked to hear from Mr. Green.)

Ms. Purser asked Mr. Green to tell the Board about his conversation with Omni Sign Company. Mr. Green said he was contacted by a Donrey representative who informed him that a pole was on the ground at the Omni site and that it was too close to the Donrey sign. Mr. Green said that he checked the site and informed Omni that their permit was rescinded.

Ms. Purser asked Mr. Green if he could recall the date of the conversation and he stated that he could not, but it was on a Friday.

Applicant's Rebuttal:

Mr. Levy pointed out that the sign was started on January 19, 1985 and finished on January 24, 1985 and the permit was revoked on January 29, 1985, after the sign had been completed. Invoices from the sign contractors were submitted (Exhibit L-4).

Board Action:

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

Case No. 13654 (continued)

"abstentions"; Clugston, "absent") to **DENY** a **Variance** (Section 1221.7 (6) - Use Conditions for Outdoor Advertising Signs - Use Unit 1221) of the 1200' spacing between outdoor advertising signs to 960' to permit an existing sign in a CH zoned district; finding that the applicant did not demonstrate a hardship that would allow an advertising sign to remain 950' from an existing sign; on the following described property:

Lot 6, Block 15, Hodge Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13655

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1217 - Request a variance of the 75' setback from an abutting R district to 53' to permit construction of a structure in an IL zoned district.

Variance - Section 1340 - Design Standards for Off-Street Parking Areas - Request a variance of the required all weather parking surface.

Variance - Section 1217.3 - Use Conditions - Request a variance to permit open air storage and display of merchandise within 300' of an adjoining R district.

Special Exception - Section 250.3 - Modification of the Screening Wall or Fence Requirements - Request an exception to waive the screening requirement, located west of NW/c of Admiral and 177th East Avenue.

Presentation:

The applicant, Dub Enlow, Route 3, Sapulpa, Oklahoma, was represented by Clay Roberts, who explained that Mr. Enlow would like permission to construct a building at the above stated location for use as a car auction. Mr. Roberts informed that the area is in transition to industrial uses and that the property immediately to the west is zoned RMH, and farther west is IL. He said that Mr. Enlow intends to have a dealer auto auction on the property and will auction off approximately 60 cars each Friday. Mr. Roberts explained that there will be no automobile storage on the property, as the cars will be moved in on Friday, sold Friday evening and removed from the premises. He stated that the applicant would like to leave the dust free gravel that is on the lot because of the potential water run-off problem in the area. Mr. Roberts informed that there is an approximate 50' slope from I-44 to Admiral.

Comments and Questions:

Mr. Chappelle asked Mr. Roberts if there are houses near the proposed car sales lot and he replied that there is a house across the street from the property.

Case No. 13655 (continued)

Dub Enlow, Route 3, Sapulpa, Oklahoma, stated that he is the owner of the proposed business and pointed out that there is gravel on most of the businesses in the area.

Mr. Gardner informed that this property requires a subdivision plat or a waiver of the plat, and the applicant was recently granted a waiver by TMAPC.

Mr. Enlow stated that he has been working with Storm Water Management and has approval from that 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 **Variance** (Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1217) of the 75' setback from an abutting R district to 53' to permit construction of a structure in an IL zoned district; to **APPROVE** a **Variance** (Section 1340 - Design Standards for Off-Street Parking Areas) of the required all weather parking surface; to **APPROVE** a **Variance** (Section 1217.3 - Use Conditions) to permit open air storage and display of merchandise within 300' of an adjoining R district; and to **APPROVE** a **Special Exception** (Section 250.3 - Modification of the Screening Wall or Fence Requirements) to waive the screening requirement; finding that the narrow shape of the lot imposes an unnecessary hardship on the applicant; finding that the auto sales will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; per plat submitted; subject to the driveway and area around the building being paved (gravel permitted behind the building); subject to said variances and special exception being granted only to a user conducting a sale of automobiles on Friday only; subject to temporary storage of cars on the lot in question on Friday only; on the following described property:

Beginning 825' west of SE/c Lot 1, Section 2, T-19-N, R-14-E; thence west 165', north 660', east 165', south 660' to P.O.B., City of Tulsa, Tulsa County, Oklahoma.

Case No. 13656

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request an exception for a home occupation to allow a bookkeeping service in an RS-3 zoned district, located at 11315 East 4th Place.

Presentation:

The applicant, Audrey Cates, 11315 East 4th Place, Tulsa, Oklahoma, asked the Board to allow her to conduct a bookkeeping business from her home.

Case No. 13656 (continued)

Comments and Questions:

Mr. Chappelle asked Ms. Cates if customers come to her home and she stated that they do not come to her house at this time.

Ms. Purser asked if clients would come to the home after the business is established. Ms. Cates stated that it would not be necessary if her neighbors objected.

Ms. White asked what the hours of operation would be and Ms. Cates stated that she would have customers from 5 p.m. to 9 p.m. during the week and from 9 a.m. to 5 p.m. on Saturday.

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 420 - Accessory Uses in Residential Districts - Use Unit 1206) for a home occupation to allow a bookkeeping service in an RS-3 zoned district; subject to no customers coming to the applicants home; on the following described property:

Lot 25, Block 3, Western Village Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13657

Action Requested:

Use Variance - Section 410 - Principal Uses Permittd in the Residential Districts - Use Unit 1211 - Request a use variance to permit a dentist's office in an RS-3 zoned district, located at 1321 East 35th Street.

Presentation:

The applicant, Sharon Wann, 177 East 29th Place, Tulsa, Oklahoma, submitted photographs (Exhibit N-1) and asked the Board to permit the operation of a dental practice at 1321 East 35th Street. Ms. Wann informed that the property has been used for an interior decorating business and that the properties on the east and west are designated as parking.

Comments and Questions:

Ms. Bradley asked the applicant if she owns the property in question. Ms. Wann informed that she has a contract to buy the property that is contingent on the Board's decision to allow the dentist's office.

Mr. Chappelle asked Ms. Wann if she had talked to the neighbors and if she has their support for the dental practice. The applicant informed that the neighbors approve the location of the business in the area.

Case No. 13657 (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 Use Variance (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1211) to permit a dentist office in an RS-3 zoned district; subject to 2 treatment rooms only; subject to the residential character of the house be retained; subject to the business being a dentistry practice only; subject to no construction being done on site; subject to the business sign remaining the same size (4' maximum) as existing sign; finding that the use is compatible with the neighborhood and that the use variance approved does not cause substantial detriment to the public good, or impair the purposes, spirit and intent of the Code and the Comprehensive Plan; on the following described property:

E/2, Lot 12, Block 2, Oliver's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13659

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial District - Use Unit 1212 - Request an exception to allow a private club in an IM zoned district, located at 2252 East 11th Street.

Presentation:

Mr. Jones informed the Board that the legal description on the property was advertised incorrectly.

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. 13659 until August 8, 1985 to allow applicant to readvertise.

Case No. 13660

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1206 - Request a variance of the 25' setback from the centerline of 84th Street to 16' to allow a fence in an RS-2 zoned district, located at 3125 East 84th Street.

Presentation:

The applicant, Roger Tuttle, was represented by Attorney Bill Hunt, 6863 South Canton, Tulsa, Oklahoma. Mr. Hunt asked the Board to allow his client to retain a fence that has been on the property for

Case No. 13660 (continued)

approximately 2 years. He stated that Mr. Tuttle has been informed by Code Enforcement that his fence is 2' inside the curb line, which leaves about 30" from the existing fence to the street. Mr. Hunt pointed out that the neighbors on both sides and across the street from the subject property have no objection to the fence. A letter from Craig Johnson, 3119 East 84th Street, Tulsa, Oklahoma, was submitted in support of the applicant (Exhibit O-1).

Comments and Questions:

Ms. Bradley asked Mr. Hunt to address the hardship in this case and he pointed out that the fence has been in place for approximately 2 years.

Ms. Purser stated that she would not have approved the fence location if it had come before the Board before being built.

Protestants:

Jan Wiltshire, 3113 East 84th Street, Tulsa, Oklahoma and Marcia Lybarger, 3137 East 84th Street, Tulsa, Oklahoma submitted letters (Exhibit O-2) and were in the audience as protestants.

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 **DENY** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1206) of the 25' setback from the centerline of 84th Street to 16' to allow a fence in a RS-2 zoned district; finding that the applicant failed to demonstrate a hardship that would justify a fence on the City right-of-way; on the following described property:

Lot 4, Block 1, Walnut Creek V, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13661

Action Requested:

Variance - Section 420.2 (d) Accessory Use Conditions - Use Unit 1211 - Request a variance of the sign requirements to permit three signs and a wall sign for an existing clinic in a RM-2 zoned district, located at 1541 North Sheridan.

Presentation:

The applicant, Richard Craig, 1885 North 105th East Avenue, Tulsa, Oklahoma, submitted sign plans (Exhibit P-1) for Hillcrest Occupational Medical Services. Mr. Craig stated that Hillcrest operates a clinic at the above stated address and would like to place an additional sign on Queen Street near Sheridan and also, put wall letters on the building. Mr. Craig informed that the existing sign is 6' by 10' and exceeds the signage limitation. He said that there is no record of a permit being issued for the sign and asked the Board to allow the existing one to remain. Mr. Craig noted that Hillcrest has 150' frontage on Sheridan and 250' frontage on Queen

Case No. 13661 (continued)

and are allowed 32 sq. ft. of signage according to City requirements.

Comments and Questions:

Mr. Gardner explained that the business could have 2 signs, one for each street frontage and each having 32 sq. ft., either on the wall or free standing. He pointed out that the zoning to the south is retail commercial and if the property in question were zoned the same, it would be entitled to more signage.

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(d) Accessory Use Conditions - Use Unit 1211) of the sign requirements to permit three signs and a wall sign for an existing clinic in an RM-2 zoned district; per plot plan; finding that the multiple zoning in the area imposes an unnecessary hardship on the applicant; on the following described property:

Reserve B, Block 1, Spartan Court, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13662

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225 - Request a variance of the 50' setback from the centerline of Quincy to 30' to permit construction of a new building and an addition to an existing building in an IM zoned district, located east of 4th Street and Quincy.

Presentation:

The applicant, Donald Piscopo, 1323 East 20th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit Q-1) and asked the Board to grant a setback variance to allow him to construct a building on his property.

Comments and Questions:

Ms. Hubbard informed that the applicant does not need the setback variance for the street he has advertised, but is required to have permission for parking on a lot other than the one of principal use.

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. 13662 until August 8, 1985 to allow the applicant to advertise for parking relief and the proper street variance.

#### Case No. 13663

##### Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial Districts - Use Unit 1214 - Request an exception to permit a building material and garden supply center (Builders Square) in an IL zoned district.

Special Exception - Section 168D - Request an exception to allow off-street parking in an district when abutting industrial district, located on the NW/c of Memorial and Crosstown.

##### Presentation:

Attorney Roy Johnsen asked the Board to continue Case No. 13663 until the July 25th meeting.

##### Board Action:

On MOTION of WHITE 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. 13663 to July 25, 1985.

#### Case No. 13664

##### Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to allow a day care center in an RS-3 zoned district.

Variance - Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Request a variance of the required setbacks from East 27th Place and Cincinnati, located at 206 East 27th Place.

##### Presentation:

The applicant, Joan Parker, 820 East 51st Place North, Tulsa, Oklahoma, submitted a plot plan (Exhibit S-1). Ms. Parker explained that she plans to remodel and add on to an existing house and operate a day care center on the subject property.

##### Comments and Questions:

Mr. Chappelle asked how many children will be in the day care center and Ms. Parker stated that the planned enrollment is 90 children.

Ms. Bradley asked the applicant how large the proposed center would be on completion. Ms. Parker replied that the remodeled facility would have approximately 4,000 sq. ft. of floor space.

Ms. White inquired as to the hours of operation and the applicant stated that the day care center would be open from 7 a.m. to 6 p.m.

Mr. Gardner asked if the new portion of the structure would line up with the existing portion and the applicant answered in the affirmative.



Case No. 13664 (continued)

Ms. Purser expressed concern with the traffic that would be generated in the residential area on 27th Street by the delivery and pick up of 90 children.

There was discussion concerning the size of the operation in the residential district.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-0-1 (Bradley, Purser, White, "aye"; no "nays"; Chappelle, "abstaining"; Clugston, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to allow a day care center in an RS-3 zoned district; finding that the size of the center would be incompatible with the neighborhood and not in harmony with the spirit and intent of the Code and the Comprehensive Plan; and to DENY a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts) of the required setback from East 27th Place and Cincinnati; finding that the applicant failed to demonstrate a hardship that would justify the granting of the variance request; on the following described property:

Lot 20, Block 3, Devonshire Place 4th, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13665

Action Requested:

Variance - Section 440.7 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1205 - Request a variance of the 25' setback from the north property line to 8.5' to permit an addition to an existing structure in an RS-3 zoned district, located at 9605 East 61st Street.

Presentation:

The applicant, Woodland Park Assembly, was represented by Wayne Haney, 9605 East 61st Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit T-1). Mr. Haney explained that he would like permission from the Board to build an addition to an existing building. He stated that the neighbors in the area are supportive of the new construction.

Comments and Questions:

Ms. Bradley asked Mr. Haney if the subject property is in the flood plain and he answered that it is not.

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 440.7 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1205) of the 25' setback from the north

Case No. 13665 (continued)

property line to 8.5' to permit an addition to an existing structure in an RS-3 zoned district; per plot plan submitted; subject to Storm Water Management approval; finding a hardship imposed on the applicant by the irregular shape of the tract; on the following described property:

Beginning at a point 208.7 feet West of the SE/c of Section 36, Township 19 North, Range 13 East; thence North 208.7 feet; thence West 81.3 feet; thence North 41.3 feet; thence West 110 feet; thence South 250 feet; thence East 191.3 feet to the Point of Beginning.

AND

A tract of land lying in the Southeast Quarter of the Southeast quarter (SE/4 SE/4) of Section Thirty-six (36), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

Beginning at a point 250 feet North and 290 feet West of the SE/c of said Section 36, being on the West line of Lot 12, Block 2, Anderson Addition, according to the Recorded Plat thereof; thence North 125 feet; thence West 240 feet; thence South 125 feet; thence East 240 feet to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13560

Action Requested:

Special Exception - Section 710 - Principal uses permitted in the commercial districts - Use Units 1206/17 - Request an exception to permit a single family dwelling and a 2 bay auto mechanics garage in a CS zoned district, located at 1219 South Memorial.

Presentation:

The applicant, Richard Toney, was not present.

Board Action:

On MOTION of WHITE 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. 13560 to July 25, 1985.

Clarification of Minutes Regarding Overhead Door

Presentation:

Attorney Roy Hinkle, 1515 East 71st Street, Tulsa, Oklahoma, stated that the case in question was approved for a car lot and there were restrictions placed on the occupant in the Board action. Mr. Hinkle asked that the Board remove one of the restrictions on the overhead doors.

Clarification of Minutes Regarding Overhead Door (continued)

Mr. Jackere pointed out that the request was for a clarification of the previous Board minutes; however, the request being presented is actually for a change in the Board decision and can not be given further consideration at this meeting and would require notice.

Case No. 13636 - Lee Taylor - Clarification of Sign Configuration

Lee Taylor, 3840 South Peoria, Tulsa, Oklahoma, informed that at the June 25, 1985 meeting, a pole sign modification was approved. Mr. Taylor asked the Board to approve a replacement of the sign in question.

Mr. Jackere pointed out that this is not a request for clarification, but a new request.

Mr. Chappelle informed Mr. Taylor that in order for the Board to consider the request he would be required to file another application.

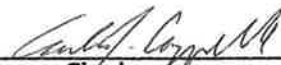
Comments and Questions:

Kathy Purser informed the Board that she is resigning from the Board of Adjustment, effective July 12, 1985. Ms. Purser stated that she has enjoyed serving on the Board during the past 11 years and has seen some very needed departments added, such as Storm Water Management, Code Enforcement and a sign Code that is getting to be workable.

There being no further business, the meeting was adjourned at 5:45 p.m.

Date Approved

7.25.85



Chairman

07.11.85:443(27)

