

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 444
Thursday, July 25, 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 Wilson		Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections Noe, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 23, 1985, at 11:21 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 4-0-1 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; Wilson, "abstaining"; none "absent") to APPROVE the Minutes for June 27 and July 11, 1985.

UNFINISHED BUSINESS

Case No. 13541

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1202/11 - Request an exception to permit a heliport in a CH zoned district, located at 1409 South Main.

Presentation:

The applicant, Tulsa Security Patrol, was represented by Larry Gass, 1409 South Main, Tulsa, Oklahoma. Mr. Gass asked if any of the Board members have flown in a helicopter and Mr. Clugston and Ms. White informed that they had been up in a helicopter. Mr. Gass stated that he believes that there has been some conspiracy in this case and that he has not been supplied with records from the last hearing. At this point Mr. Chappelle asked Mr. Gass to present the new and different information that he informed the Board he could supply if granted a rehearing. Mr. Gass read a letter (Exhibit AA-1) from the FAA dated May 7, 1985 which stated that they had completed an air space utilization study on the subject heliport and did not object to its development. He informed that there is only one protestant out of the 33 surrounding property owners and that he protests every community issue. Mr. Gass pointed out that the

Case No. 13541 (continued)

Vice-Mayor (Dianne Noe) stated that the heliport is located 102' from the protestant's home. He informed that the distance from the residence to the heliport is approximately 187'. Photographs of the heliport were submitted (Exhibit AA-2).

Comments and Questions:

Mr. Clugston asked Mr. Gass to clarify his use of the title, Vice-Mayor, and Mr. Gass informed that he considers Ms. Noe to be the Vice-Mayor.

Ms. Bradley noted that the FAA has no jurisdiction over the safety on the ground and the noise factor. Mr. Gass informed that the site has been inspected and approved by the Fire Marshall's office.

Mr. Jackere pointed out that the basis for the rehearing was the difference in the comments made to Mr. Gass and to Ms. Noe by Mr. Powers of the Tulsa Airport Authority. Mr. Gass stated that Mr. Powers informed Ms. Noe by a letter that the heliport would probably not be approved, although its operation had already been approved by the FAA.

Protestants:

Mr. Thomas Hopson, 1424 South Baltimore, Tulsa, Oklahoma, pointed out that the noise and odor of the helicopter is very offensive. He stated that he spends a great deal of time in his back yard which extends out to the alley and is very close to the heliport. Mr. Hopson informed that there have been occasions when 2 helicopters have been on the roof at the same time. He noted that the engines and the sirens that are activated occasionally, disturb his rest and intrude upon the tranquility of his home.

Interested Parties:

Attorney Tony Miller represented the Airports Council and stated that the emphasis should be on the safety of the citizens. Mr. Miller informed that the city is protected by zoning and that the Board of Adjustment should review the character of the neighborhood and reject or accept proposals. Mr. Miller pointed out that the letter read by Mr. Gass from FAA, stated in the second paragraph that the determination is not to be construed as approval, but determines the safe and efficient utilization of the navigable air space.

James Kriss, Airport Engineer, 5627 South 84th Street, Tulsa, Oklahoma, stated that 500' is needed for departure and landing of a helicopter.

Mr. Clugston asked Mr. Kriss if there is 500' clearance for all of the heliports in the city, and if the main concern is safety.

Mr. Kriss stated that the main objection is safety on the ground and not the air space, but all heliports do not have 500' clearance.

Case No. 13541 (continued)

Ms. Noe informed that the concern of Code Enforcement is the noise and odor of the helicopter and the height of the building. She stated that the approval of the application could set a precedent for 1 story heliports.

Applicant's Rebuttal:

Mr. Gass stated that the subject heliport is safe, the air space is safe and the operation is safe. He informed that the heliport is utilized only 40 times each month. Mr. Gass stated that the heliport at Hillcrest Hospital is near ICU, therefore, could not generate an excessive amount of noise.

Additional Comments:

Mr. Clugston asked Mr. Gardner how long the subject property has been zoned CH. Mr. Gardner replied that the property has been CH since at least 1957 and maybe longer.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-1-0 (Bradley, Chappelle, White, Wilson, "aye"; Clugston, "nay"; no "abstentions"; none "absent") to DENY a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1202/11) to permit a heliport in a CH zoned district; finding that the granting of the special exception request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 7, Block 1, Bayne Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13580

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 Rockford to 30' to permit construction of a building in an IM zoned district, located on the SE/c of Rockford and 4th Place.

Presentation:

The applicant was not present.

Comments and Questions:

Mr. Jones stated that the case was originally heard on May 16, 1985 and was approved. At the time of application the wrong subdivision name was supplied; therefore, a new application was made and the addition changed to Midway Addition.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-1 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; Clugston, "abstaining"; none "absent") to APPROVE a Variance (Section 930 -

Case No. 13580 (continued)

Bulk and Area Requirements in the Industrial Districts - Use Unit 1225) of the 50' setback from the centerline of Rockford to 30' to permit construction of a building in an IM zoned district; per plot plan; on the following described property:

Lot 12, Block 8, Midway Addition, 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:

The applicant was not present.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-1 (Chappelle, Clugston, White, Wilson, "aye"; no "nays"; Bradley "abstaining"; none "absent") to CONTINUE Case No. 13587 until August 22, 1985.

Case No. 13588

Action Requested:

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

Presentation:

The applicant, John Lewis, 4417 South Lewis, Tulsa, Oklahoma, was represented by Attorney John Harris. Mr. Harris explained that there are several salvage operations near the property in question. A letter (Exhibit A-1) stating that Mr. Lewis has leased and conducted a salvage business on the subject property for the past 11 years was submitted to the Board. Mr. Harris asked permission to continue the business operation. Photographs were submitted (Exhibit A-2).

Comments and Questions:

Ms. White asked if the salvage yard is screened and Mr. Harris stated that the lot is screened by trees and shrubs except on the side next to Lewis. He noted that the vehicles on the lot are visible from Lewis, but not from 36th Street.

Case No. 13588 (continued)

Mr. Gardner asked how many cars are on the lot at the present time and Mr. Harris replied that there are approximately 100 automobiles on the premises at this time, and he stated that after the parts are removed the cars are crushed. Mr. Gardner pointed out that the 1977 aerial photograph shows 12 to 15 cars and the size of the present operation would require a variance at this time.

Board Action:

On MOTION of WHITE and SECOND by CLUGSTON, the Board voted 4-0-1 (Bradley, Clugston, White, Wilson, "aye"; no "nays"; Chappelle "abstaining"; none "absent") to APPROVE a Use Variance (Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1227) to allow a salvage yard in a CS zoned district; finding a hardship imposed on the applicant by the surrounding nonconforming uses and finding that the salvage operation has been in existence for several years; subject to no more than 50 automobiles being on the lot; subject to 6' solid screening being placed on 36th Street and Lewis Avenue no later than 90 days from this date; and subject to no cars being stacked higher than the screening fence; on the following described property:

The north 158.7' of the east 208.7' of the NE/4, NE/4 less and except the north and west 35' for R-O-W, Section 19, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Ms. Wilson asked Ms. Noe if she would inform the Board if the fence is installed within the 90 day time period. Ms. Noe replied that she would inform the Board when the fence is in place.

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.

Comments and Questions:

Mr. Jones informed that hearing of this case has been delayed while waiting for the applicant to supply Staff with the names and addresses of adjoining property owners. Mr. Jones stated that the names have now been supplied, but the applicant is not present.

Case No. 13599 (continued)

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-1-0 (Bradley, Clugston, White, Wilson, "aye"; Chappelle, "nay"; no "abstentions"; none "absent") to **DENY** without prejudice **Special Exception** (Section 250.3 - Modification of the Screening Wall or Fence Requirement - Use Unit 1205) to waive the screening requirements in a CS zoned district; finding that the applicant was not present, or the request was not properly advertised, for 3 consecutive meetings; on the following described property:

A tract of land situated in the SE/4 of the SE/4 of the NE/4 of Section 34, Township 20 North, Range 12 East of the Indian Base and Meridian, Osage County, Oklahoma, more particularly described as follows, to-wit: Commencing at the Northwest Corner of Lot 4, Block 1, of South Osage Hills Addition to Tulsa, Osage County, Oklahoma, according to the the recorded plat thereof; thence Westerly on a projection of the North line of Said Lot 4, a distance of 60.0 feet to a point, said point being on the West right-of-way line of Country Club Drive; thence South along said right-of-way line a distance of 166.00 feet to the true point of beginning; thence continuing South along said West right-of-way line a distance of 450.00 feet; thence West along a line at right angles to said West right-of-way line a distance of 127.00 feet; thence North along a line parallel to said West right-of-way line of Country Club Drive a distance of 450.00 feet; thence East along a line at right angles to said West right-of-way line of Country Club Drive a distance of 127.00 feet to the true point of beginning containing 1.31 acres, more or less,

subject, however, to all the conditions, limitations, and provisions reserving oil, gas, coal, and other minerals to the Osage Tribe of Indians by Act of Congress, June 28, 1906 (34 Stat. L. 539), and Acts Amendatory thereto and supplementary thereto, 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.

Presentation:

The applicant, Danny Fagg, was represented by Attorney Mark Schwebke, 1736 South Carson, Tulsa, Oklahoma, who explained to the Board that Arnold Webster, father-in-law of the applicant, was not aware of the restrictions placed upon his business operation by a variance granted in 1981. Mr. Schwebke informed that Mr. Webster has been cited by Code Enforcement and that he is now before the Board seeking to get his business in compliance with the Code. He

Case No. 13649 (continued)

asked the Board to permit entrance to the property from 5th Street instead of 4th Street or 129 East Avenue. Mr. Schwebke pointed out that there is only an approximate 10' clearance to allow entry from 129th East Avenue and 4th Street is only a path and not actually a street.

Comments and Questions:

Ms. Bradley asked Mr. Schwebke what type of business Mr. Webster operates on the subject property. He replied that Mr. Webster has been doing truck repair on the tract for several years.

Ms. Noe informed that the repair was to be done inside the building and that Mr. Webster has been working on the trucks outside the garage on the north lot.

Ms. Bradley asked Mr. Schwebke what type of trucks are entering the property on 5th Street and he replied that they are dump trucks.

Ms. Wilson asked why Mr. Webster did not comply with the requirements of the 1981 Board hearing and Mr. Schwebke informed that he was not aware of the restrictions.

Mr. Clugston inquired if the screening is in place on the property and Mr. Schwebke replied that screening is on the west, south and east ends of the lot.

Protestants:

Marcus Fultz, 608 South 132nd East Avenue, Tulsa, Oklahoma, submitted a petition of protestants (Exhibit B-1). Mr. Fultz stated that he lives in a housing addition in the area and is protesting a trucking business in the residential neighborhood. He pointed out that trucks are noisy, a danger to children in the area and deteriorate the streets. Photographs were submitted (B-2).

Mr. Clugston asked the protestant if he is a resident of Meadowbrook Addition. Mr. Fultz answered in the affirmative.

Mr. Gardner informed that in 1981 Mr. Webster was repairing trucks in his front yard on 129th and that the Board restricted the business entrance to that street or to 4th Street to the north (he would need an easement and 4th Street is unimproved). He pointed out that if the 5th Street entrance is used it becomes an interior operation and affects the residents to the east.

Interested Parties:

Terry Wagner, 441 South 129th East Avenue, Tulsa, Oklahoma, informed the Board that he approves of the truck repair operation at the present location. Mr. Wagner stated that, in his estimation, the trucks do not present a problem in the neighborhood.

Lydia Wiles, 13506 East 4th Place, Tulsa, Oklahoma, stated that the garage does not cause a problem in the area and that the streets have been in bad repair because of normal use.

Case No. 13649 (continued)

Mr. Barrett, 442 South 129th East Avenue, Tulsa, Oklahoma, informed the Board that the trucks can not go into the lot from 4th Street without making a new road. He stated that he approves of the truck repair operation in the neighborhood.

Martin Webster, 419 South 129th East Avenue, Tulsa, Oklahoma, explained to the Board that when he bought the subject property in 1979 he thought it was zoned for truck repair. Mr. Webster informed that he was cited in 1981 for improper use of the tract and at that time obtained a variance to permit continuance of the operation. He stated that he was unaware of the restrictions and continued to operate the truck repair business. Mr. Webster asked the Board to allow him to enter his property from 5th Street and have outside storage and repair. He pointed out that at various times he is called upon by customers to keep trucks on the lot for long periods of time. A petition (Exhibit B-3) in support of the garage was submitted.

Ms. Wilson asked Mr. Webster to read the conditions of the 1981 approval. Mr. Webster complied with the request.

A motion made by Mr. Clugston to approve the 5th Street access to the property and to deny the request for outside repair of vehicles died for lack of a second.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-2-0 (Bradley, White, Wilson, "aye"; Clugston, Chappelle, "nay"; no "abstentions"; none "absent") to DENY a Variance (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1206) 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; finding that the applicant did not demonstrate a hardship which would justify the granting of the variance requested; on the following described property:

Lots 12 and 13, Block 3, Meadowbrook Heights, 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 the NE/c of Peoria and 29th Street.

Presentation:

The applicant, Michael Parrish, was not present.

Case No. 13650 (continued)

Comments and Questions:

Mr. Jones informed that the Planning Commission approved a lot split on July 11, 1985, but Staff has been unable to contact the applicant.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to DENY without prejudice a Variance (Section 207 - Street Frontage Required - Use Unit 1206) of the required 30' street frontage to 20' to permit a lot split in an RS-1 zoned district; finding that the applicant was not present at 2 consecutive meetings; on the following described property:

A part of Lot three (3) in Section 18, Township 19 North, Range 13 East 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:

Beginning at a point 1492.5 feet north of the southwest corner of said Section 18; thence north 157.5 feet; thence east 360 feet; thence south 157.5 feet; thence west 360 feet to the point and place of beginning, and containing 56,848.84 square feet or 1.3051 acres more or less, 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 Street, Broken Arrow, Oklahoma, submitted photographs (Exhibit C-1) and a list (Exhibit C-2) of sign locations. Mr. Ensmenger stated that he has been before the Board in a previous meeting to ask that an existing advertising sign for the Spanish Terrace Office Complex be permitted to remain in front of his property. The applicant stated that there are 21 different signs in the area that are as close to the street as the sign in question.

Comments and Questions:

Mr. Jones noted that the applicant was improperly advertised for a 38' setback at the last meeting, but is now advertised at 33' which is the relief that he needs for the sign.

Mr. Clugston asked Mr. Ensmenger to address the hardship and he replied that if the sign were moved back to the 50' it would be in the middle of the parking area and would have to be erected on a pole. Mr. Ensmenger informed that the sign is now in place against

Case No. 13658 (continued)

the first parking space, which is as far back as possible without being in the parking lot. He pointed out that the sign does not block the view of motorists entering the street.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 280 - Structure Setback from Abutting Streets - Use Unit 1211) of the 50' setback from the centerline of 51st Street to 33' to permit an existing business sign in an OM zoned district; finding that there are many other sign encroachments in the area and the sign does not interfere with traffic; on the following described property:

Part of the SW/4, SW/4, beginning 264' west of SE/c of SW/4, SW/4, north 217', west 132', south 217', east 132' to POB less south 50' for ROW, Section 29, T-10-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

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 1680D - Request an exception to allow off-street parking in an R district when abutting industrial district, located on the NE/c of Memorial and Crosstown.

Presentation:

The applicant, Builder's Square, was represented by Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, who submitted a site plan (Exhibit D-1). Mr. Johnsen informed that the greatest portion of the subject tract is zoned IL; however, a small portion on the south is RS-2 and the southwest corner is CH. He asked the Board to allow the retail business to operate in the IL district and to permit parking in the R district. Mr. Johnsen pointed out that the abutting properties on the North, one of which is a used car lot, are of a nonresidential nature and the property on the west is zoned CS. He noted that the expressway is to the east and west of the subject property. Mr. Johnsen informed that he would like to amend this application to include a waiver of the screening from the car lot to the north and would ask the Board to continue hearing of that portion of the request until August 8, 1985.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 910 - Principal Uses Permitted in the Industrial Districts

Case No. 13663 (continued)

- Use Unit 1214) to permit a building material and garden supply center (Builders Square); and to APPROVE a Special Exception (Section 1680D) to allow off-street parking in an R district when abutting an industrial district; finding that the granting of the special exceptions will not be detrimental to the area and does not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

All of Lots 11, 12, 13, 14, 15, 16, Block 1; that part of Lot 17, Block 1 lying west of the Gilcrease Expressway; that part of Lots 3, 4, 5 and 6, Block 2; and that part of Lot 1, Block 3 lying North of the Gilcrease Expressway; and the enclosed dedicated street (s), all in Mingo Heights, an addition in Tulsa, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at the northwest corner of said Lot 11, Block 1, then N 89°01'27" E along the north boundary of said Lots 11, 15, 16 and 17, Block 1, a distance of 744.88 feet to a point in the westerly right-of-way line of the Gilcrease Expressway; thence along the right-of-way as follows: S 6°17'13" E a distance of 126.77 feet; thence S 5°52'44" W a distance of 87.77 feet; thence S 20°31'40" W a distance of 59.31 feet; thence S 29°10'37" W a distance of 70.46 feet; thence S 34°31'07" W a distance of 88.23 feet; thence S 46°28'16" W a distance of 52.60 feet; thence S 60°04'59" W a distance of 139.97 feet; thence S 72°42'10" W a distance of 231.56 feet; thence S 76°02'55" W a distance of 72.08 feet; thence S 71°04'45" W a distance of 137.94 feet; thence S 57°06'33" W a distance of 60.84 feet to a point in the west boundary of said Lot 1, Block 3; thence N 1°04'46" W along the west boundary of Block 3 and Block 1 of said Mingo Heights 660.54 feet to the point of beginning, containing 8.78746 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 13670

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 sideyard setback from 5' to 4' to allow for an existing structure, located at 3036 South 140th East Avenue.

Presentation:

The applicant, Jennifer Dillion, 7330 South Canton, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1). Ms. Dillion stated that the house at the above stated address encroaches on the sideyard setback 7/10' and asked the Board to grant a variance to enable her to clear the title on the property.

Case No. 13670 (continued)

Comments and Questions:

Mr. Clugston inquired as to the age of the house in question. Ms. Dillion stated that it has been built about 1 year.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206) of the sideyard setback from 5' to 4' to allow for an existing structure; finding a hardship imposed on the applicant by the sloping boundary of the tract; on the following described property:

Lot 30, Block 5, Eastland Acres II, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13672

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request a variance of the 75' frontage to 60' to permit a lot split in an OL zoned district, located at 4727 South Union.

Presentation:

The applicant J.M. Garman, 4727 South Union, Tulsa, Oklahoma, explained that he has lived in his present home for 32 years and now the property is zoned OL which requires 75' frontage. The Planning Commission has approved a lot split which will enable the addition of 10' to the north. A copy of the Lot Split Application was submitted (Exhibit F-1).

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 630 - Bulk and Area Requirements in the Office Districts) to permit a lot split in an OL zoned district; finding an undue hardship imposed on the applicant by the multiple zoning in the older neighborhood and the fact that he is increasing the size of the lot; on the following described property:

Lot 15, Block 3, Suburban Highlands, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13674

Action Requested:

Variance - Section 280 - Structure setback from Abutting Streets - Use Unit 1216 - Request a minor variance of the 60' setback from the centerline of Memorial to 55' to allow an existing sign in a CH zoned district, located at 7877 East Admiral Place.

Case No. 13674 (continued)

Presentation:

The applicant, Phillips Petroleum Co., was represented by F.L. Patterson, 9901 Spring Lake Drive, Broken Arrow, Oklahoma, who submitted a location map (Exhibit G-1) and area photographs (Exhibit G-2) Mr. Patterson stated that the 5' by 10' sign was constructed in error at the present location. He informed that notice was received from the Sign Inspector that the sign was in violation of the setback from the centerline of Memorial.

Comments and Questions:

Mr. Chappelle asked if there are other signs in the area that are as close to Memorial as the Phillips sign. Mr. Patterson replied that Mc Donald's sign is closer to the street than the one in question.

Ms. Wilson asked if a permit was granted for the the sign and Mr. Patterson answered that a permit was acquired and that the sing post is 60' from the centerline, but the sign face is overhanging the setback.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 3-2-0 (Bradley, Chappelle, White, "aye"; Clugston, Wilson, "nay"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1216) of the 60' setback from the centerline of Memorial to 55' to allow an existing sign in a CH zoned district; subject to a removal contract stating that the applicant will remove the sign if utilization of the property along Memorial is required; per plot plan; on the following described property:

A part of Lots 1 and 2 of the resurvey of Lots 1 and 2, Bloomfield Heights Addition, an addition to Tulsa County, State of Oklahoma, being described by metes and bounds as follows, to wit:

Commencing at the southeast corner of U. S. Government Lot 1, of Section 2, T-19-N, R-13-E, Tulsa County, State of Oklahoma, said point being the intersection of East Admiral Place and Memorial Drive, thence N 1°23'09" W along the east line of Section 2, a distance of 60.00 feet, thence S 88°49'07" W parallel with the south line of U. S. Government Lot 1, a distance of 58.08 feet to the Point of Beginning, said point being on; the north right of way line of East Admiral Place; thence S 88°49'07" W along said right of way line and parallel with the south line of U. S. Government Lot 1, a distance of 212.94 feet to a point; thence N 2°10'39" W, a distance of 159.93 feet to a point on the South right of way line of I-244 By-Pass; thence S 89°17'08" E along said right of way line, a distance of 162.39 feet, thence continuing on said right of way line N 69°53'23" E, a distance of 61.86 feet to a point on the West right of way line of Memorial Drive, thence S 0°50'29" E along said right of way line a distance of 154.90 feet; thence

Case No. 13674 (continued)

on a curve to the right having a central angle of 23°14'17" and a radius of 50.00 feet, a distance of 20.28 feet to the Point of Beginning and containing 34,807.58 square feet or 0.7991 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13682

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' front yard setback to 23' to permit an existing dwelling in an RS-3 zoned district, located at 3435 South 110th East Avenue.

Presentation:

The applicant, Frank Prentice, 909 Park Court, Broken Arrow, Oklahoma, stated that he is in the process of selling a house at the above stated address. Mr. Prentice informed that he has owned the house for 8 years and that at the time of purchase there was no mention made of its encroachment on the front yard setback; however, when the new owners attempted to get Title Insurance, the building error was discovered. He stated that he is requesting a variance in order to supply a clear title to the property.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in; the RS, RD and RM Districts - Use Unit 1206) of the 25' front yard setback to 23' to permit an existing dwelling in an RS-3 zoned district; finding that the irregular shape of the lot imposes an unnecessary hardship on the applicant; on the following described property:

Lot 6, Block 7, Briardale Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 13666

Action Requested:

Special Exception - Section 420 - Accessory Use in Residential Districts - Use Unit 1206 - Request an exception for a home occupation to permit a repossession business in an RS-3 zoned district, located at 5517 South Boston Place.

Presentation:

The applicant, Barbara Anderson, was not present.

Comments and Questions:

Mr. Jones noted that Ms. Anderson's check for the application fee was returned and stamped insufficient funds. She was informed by

Case No. 13666 (continued)

letter that in order for the case to be heard the fee would be required. Mr. Jones stated that there has been no response from the applicant.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to STRIKE Case No. 13666.

Case No. 13667

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - and Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request an exception to permit a mobile home in AG and RS-3 zoned districts under the provisions of Section 1680.

Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request a variance of the one year time limitation for a mobile home to permanently in RS-3 and AG zoned districts under the provisions of Section 1670.

Variance - Section 208 - One single-family dwelling per lot of record - Use Unit 1209 - Request a variance to permit two dwellings per lot of record in an RS-3 and AG zoned district under the provisions of Section 1670, located east of SE/c of 46th Street North and Trenton.

Presentation:

The applicant, Esperanza Sanchez, 1408 South 107th East Avenue, Tulsa, Oklahoma, asked the Board to allow her to place a mobile home on the land at the above stated location. Ms. Sanchez explained that her mother is caretaker of the land and that there is also an existing house on the property which is being remodeled and is not occupied.

Comments and Questions:

Ms. Wilson asked Ms. Sanchez if she lives in the mobile with her mother and she answered that she lives with her mother.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District and Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to permit a mobile home in AG and RS-3 zoned districts under the provisions of Section 1680; to APPROVE a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209) to permit two dwellings per lot of record in an RS-3 and AG zoned district under the provisions of Section 1670; and

Case No. 13667 (continued)

to **DENY** a **Variance** (Section 440 - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209) of the one year time limitation for a mobile home to permanently in RS-3 and AG zoned districts under the provisions of Section 1670; finding that the mobile is not detrimental to the area and finding that the granting of the special exception will not impair the purposes, spirit and intent of the Code and the Comprehensive Plan; subject to a time limit of one year; per Health Department approval; and per removal bond; on the following described property:

W/2, NE/4, NW/4, NE/4 of Section 18, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13668

Action Requested:

Use Variance - Section 610 - Principal Uses Permitted in the Office Districts - Use Unit 1215 - Request a use variance to permit a trade school in an OL zoned district.

Variance - Section 630 - Bulk and Area Requirements in the Office Districts - Request a variance of the 30% floor area ratio to 43%, located at 222 South Memorial.

Presentation:

The applicant, David Cannon, was represented by Ronald Marsh, 209 South Indianwood, Broken Arrow, Oklahoma, who is Executive Director of Sertoma. Mr. Marsh explained that the organization plans to buy a piece of property that adjoins the existing property. He noted that the tract has an apartment complex with a parcel of land on the rear that is to be split off and attached to existing property. Mr. Marsh pointed out that they would then build a building 40' by 80' which would require 43% land coverage. An aerial photograph was submitted (Exhibit I-1).

Comments and Questions:

Ms. Bradley asked if Sertoma owns the property facing 2nd Street. Mr. Marsh replied that they have a contract on the land contingent on the BOA decision.

Ms. Wilson asked if the apartments are occupied at this time and Mr. Marsh answered that he believes the apartments are all rented.

Mr. Gardner informed that the organization is splitting off 60' by 125' of the southern portion of the apartment project and adding it to the Sertoma property to the south in order to make the expansion. Mr. Gardner pointed out that the apartments will then be 4' from the north boundary line and approximately 20' to 30' from the new building.

Case No. 13668 (continued)

Mr. Clugston asked Mr. Gardner if the floor ratio on the second variance is on the 60' by 120' parcel only and he answered in the affirmative.

Ms. Wilson asked if the plans were to add on to the existing building and Mr. Marsh answered that the expansion will not be attached except by a portico.

Mr. Clugston asked what type of work is done at Sertoma. Mr. Marsh explained that basically menial labor is done by the employees, who are mentally retarded or handicapped.

Ms. Bradley asked if a school is operating on the property at this time and how many people would be in the classes. Mr. Marsh replied that the school is in operation at this time and about 80 students are expected to be in the classes.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Use Variance** (Section 610 - Principal Uses Permitted in the Office Districts - Use Unit 1215) to permit a trade school in an OL zoned district; and to **APPROVE** a **Variance** (Section 630 - Bulk and Area Requirements in the Office Districts) of the 30% floor area ratio to 43%; per plot plan; finding that this use for the mentally retarded and handicapped is actually not a trade school in its true sense, but more like Use Unit 5; on the following described property:

A certain piece or parcel of land, situated in the County of Tulsa, State of Oklahoma, and described as follows: A tract of land in the E/2, SE/4, NE/4, Section 2, T-19-N, R-13-E, Tulsa County, Oklahoma, more particularly described as follows:

Commencing at a point on the east line of Section 2, said point being 874.75 feet north of the SE/c of the NE/4 of said Section 2; thence west and parallel to the south line of said NE/4 a distance of 357.0 feet to a point on the east line Block 9, Tommy Lee Addition to the City of Tulsa; thence north and parallel to the east line of Section 2, a distance of 120.25 feet to a point on the east line of said Block 9, Tommy Lee Addition; thence east and parallel to the south line of said SE/4, a distance of 357.0 feet to a point on the east line of Section 2; thence south a distance of 120.25 feet, to the point of beginning and containing 0.986 acres more or less and including a roadway easement over the east 35 feet of the tract herein described, and a tract of ground described as the south 60' of Lot 1, Block 9, Tommy Lee Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13669

Action Requested:

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

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request a variance to permit two dwelling units (1-House, 1-Mobile Home) per lot of record, located at 9604 East 42nd Street North.

Presentation:

The applicant, Billie Botkin, 9604 East 42nd Street North, Tulsa, Oklahoma, asked the Board to allow her to move a mobile home behind an existing house at the above stated address. Ms. Botkin stated that her daughter would live in the mobile and care for Ms. Botkin's invalid mother-in-law who is living in the house.

Comments and Questions:

Mr. Chappelle asked if there are other mobile homes in the area and Ms. Botkin replied that there is one next door to her property.

Ms. Wilson asked if there are other areas near the subject property that have two dwellings per lot. Ms. Botkin stated that there are several trailer houses approximately 3 blocks from her home.

Mr. Chappelle read a letter (Exhibit J-1) from Code Enforcement dated July 25, 1985, stating that a complaint was received in January regarding the subject property.

Mr. Clugston asked Ms. Botkin if she knew why a complaint would be made. She replied that she did not know who would complain, but that there was trash by the driveway when the mobile was being moved in, which has now been hauled away.

Ms. White asked if the mobile had a separate septic system and Ms. Botkin answered that the trailer has its own septic.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-1-0 (Chappelle, Clugston, White, Wilson, "aye"; Bradley, "nay"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1206/09) to allow a mobile home in an RS-3 zoned district; and to APPROVE a Variance (Section 208 - One Single-Family Dwelling Per Lot of Record) to permit two dwelling units (1-House, 1-Mobile Home) per lot of record; finding that there are numerous mobiles in the area and that the granting of the requests will be in harmony with the spirit and intent of the Code and the Comprehensive Plan on the subject property; for a period of 1 year only; bond required; subject to Health Department approval; on the following described property:

Case No. 13669 (continued)

E/2, N/2, Lot 3, Block 2, Mohawk Village, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13671

Action Requested:

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

Variance - Section 1205.3 - Use Conditions - Request a variance of the 1 acre lot area and 100' lot width.

Variance - Section 1320(d) General Requirements - Request a variance to permit off-street parking off the subject tract, located at 3209 South 148th East Place.

Presentation:

The applicant, Tulsa Chinese Christian Church, was represented by WeeDye Chang, 7517 South 83rd East Avenue, Tulsa, Oklahoma, who submitted a petition (Exhibit K-1) in support of the church. Mr. Chang requested that the church be permitted to meet in a house they have purchased in a residential neighborhood. He stated that they have acquired land at another location for a permanent building and would be meeting temporarily on the subject property for approximately 30 months. Mr. Chang informed that the group has 50 members that meet only on Friday and Sunday. He asked that the church be permitted to acquire parking at another location and shuttle the members to services.

Comments and Questions:

Mr. Clugston asked Mr. Chang why the church bought the house for a church. Mr. Chang answered that they were able to purchase the property at a very good price from one of the church members.

Mr. Chappelle read a letter of protest from Code Enforcement (Exhibit K-2) dated July 25, 1985, stating that a complaint was received in May of 1985.

Mr. Gardner informed that the subject property is located in a relatively new subdivision. He stated that the applicant is attempting to use a single family dwelling for a purpose that it was not designed for. Mr. Gardner informed that there is inadequate parking and the lot is too small for the use.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to allow a temporary church in an RS-3 zoned district; to

Case No. 13671 (continued)

DENY a Variance (Section 1205.3 - Use Conditions) of the 1 acre lot area and 100' lot width; to DENY a Variance (Section 1320(d) General Requirements) to permit off-street parking off the subject tract; located at 3209 South 148th East Place; finding that the church use is not compatible with the neighborhood; finding that the granting of the requests would not be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 6, Block 1, Sunwood Hills 2nd, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13673

Special Exception - Section 1420(f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1206 - Request an exception to allow a 975 sq. ft. accessory building for a nonconforming use (Residence) in an OL zoned district, located at 429 South Memorial.

Presentation:

The applicant, John Egelston, 429 South Memorial, Tulsa, Oklahoma, submitted a plot plan (Exhibit L-1), and explained to the Board that he would like permission to construct a detached garage to house his boat and car. Mr. Egelston pointed out that he has 1 1/4 acres of land, with 150' frontage on Memorial and 300' of depth to the east.

Comments and Questions:

Mr. Gardner informed that an applicant would be allowed 750' of garage space on the smallest of lots in the city, but needs a variance to exceed 750 sq. ft., regardless of the size of the lot.

Ms. Bradley asked Mr. Egelston to designate the location of the garage on the lot and he stated that it would be placed north of the existing house, 52 feet from the property line.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1206) to allow a 975 sq. ft. accessory building for a nonconforming use (Residence) in an OL zoned district; finding that the granting of the special exception will be in harmony with the spirit and intent of the Code and the Comprehensive plan; subject to the 975 sq. ft. accessory building being used for residential storage only; subject to no business being conducted on the OL zoned lot in question; on the following described property:

N/2 of Lot 4, Block 8, Clarland Acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13675

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1205 - Request an exception to permit a day care center in an AG zoned district, located at 250 West 81st Street.

Presentation:

The applicant, Richard Janes, 240 West 81st Street, Tulsa, Oklahoma, stated that he owns a house adjacent to his present residence and asked the Board to permit the operation of a day care center in the building. Mr. Janes informed that he has previously been involved in foster care services and would like to start operation of a nursery for small children, ranging in age from 1 month to 7 months.

Comments and Questions:

Mr. Ricky Jones informed that this case has been reviewed by the Technical Advisory Committee and they have recommended denial of the request to waive the subdivision plat. He noted that the nursery is under Use Unit 5 and would be subject to a plat if approved by the Board.

Mr. Chappelle asked Mr. Janes how many children would be kept in the center and he replied that there would be approximately 16 at any given time.

Ms. White asked how far the nearest residence would be to the nursery. Mr. Janes stated that his nearest neighbor is about 200' away from the proposed day care center.

Ms. White inquired as to the parking for the business and Mr. Janes pointed out that there is a space 75' by 100' for employee and visitor parking.

Protestants:

Clarence Pick, 244 West 81st Street, Tulsa, Oklahoma, stated that he owns abutting property to the west of Mr. Janes. He pointed out that he has horses and cattle on his land and is concerned that the children might be injured if they get near the animals. Mr. Pick presented a letter of opposition (Exhibit M-1) from a neighbor.

Additional Comments:

Mr. Chappelle asked Mr. Pick if he would be opposed to the nursery if it were fenced to protect the children. Mr. Pick stated that he would not be opposed to the center if the children could be kept away from the animals.

Mr. Clugston asked Mr. Gardner how much signage is allowed for the nursery. Mr. Gardner informed that 32 sq. ft. is allowed for the center, unless otherwise stipulated by the Board.

Case No. 13675 (continued)

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 3-2-0 (Chappelle, Clugston, White, "aye"; Bradley, Wilson, "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1205); subject to no alterations being done on the exterior of the building; subject to an advertising sign no larger than 10 sq. ft.; subject to a state day care license; and subject to any outdoor play area being fenced for safety and security of the children; on the following described property:

Beginning at the NE/c of NW/4, NW/4 of Section 13, T-18-N, R-12-E; thence West 287' to the point of beginning; thence South 200', East 100', North 200', West 100' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13676

Action Requested:

Variance - Section 420.2 Accessory Use Conditions - Use Unit 1205 - Request a variance to allow a 55 sq. ft. sign for an existing school in an RS-2 zoned district, located at 6363 South Trenton.

Presentation:

The applicant, Sign, Ltd., was represented by Larry Hanks, 7873 South Evanston, Tulsa, Oklahoma. Mr. Hanks asked permission of the Board to place a 56 sq. ft. single base sign at the Metro Christian Academy. He informed that the sign will be 15' tall and the setback will be 300' from Trenton and 600' from 64th Street. Mr. Hanks noted that the lighted marquis sign is being donated by a beverage company and their logo is displayed on the bottom of the structure. A sign plan was submitted (Exhibit XX-1).

Comments and Questions:

Mr. Gardner pointed out that if the sign were on a dedicated street instead of a private street, the requested signage would be permitted without relief from the Board.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 420.2 Accessory Use Conditions - Use Unit 1205) to allow a 55 sq. ft. sign for an existing school in an RS-2 zoned district; finding a hardship imposed by the school frontage being on a private street; subject to there being no illumination of the sign after 10 p.m.; on the following described property:

Begin 275' South and 719.6' west of the NE/c, SE/4, NW/4 of Section 6, T-18-N, R-13-E; thence west 50', south 75', east 100', north 75', west 50' to point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13677

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1206 - Request an exception for a home occupation to allow an exterminating business in an RS-3 zoned district, located at 3801 South Rockford.

Presentation:

Marlene Turley, 3801 South Rockford, Tulsa, Oklahoma, asked permission of the Board to operate an ornamental tree and turf exterminating business from her home at the above stated address. Ms. Turley informed that the company has two trucks but only one is parked at the residence.

Comments and Questions:

Mr. Chappelle asked Ms. Turley to read the home occupation guidelines during a brief intermission.

Mr. Chappelle asked if there are employees other than the family. Ms. Turley replied that her husband's brother works in the business.

Ms. White asked if chemicals are stored at the residence and the applicant answered that the only exterminating materials kept at the home are those in the truck tank.

Ms. White inquired as to the hours of operation and Ms. Turley explained that they work only during the growing season since they spray only ornamentals and turf.

Protestants:

Mr. Chappelle informed the Board that letters (Exhibit N-1) of protest had been received by the Board and numerous protestants are in the audience.

David Wright, 3804 South Trenton, Tulsa, Oklahoma, informed the Board that he is against the home occupation in the neighborhood. He stated that the chemicals run down the street and into the sewer and pointed out that this is dangerous for the children in the area. He informed that there are trucks parked around the home and a parking area has been constructed behind the residence that would accomodate several vehicles.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to DENY a Special Exception (Section 420 - Accessory Uses Permitted in Residential Districts - Use Unit 1206) for a home occupation to allow an exterminating business in an RS-3 zoned district; finding that the business would not be

Case No. 13677 (continued)

compatible with the neighborhood and would not be in harmony with the spirit and intent of the Code and Comprehensive Plan; on the following described property:

Lot 16, Block 4, Forrest Ridge, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13678

Action Requested:

Variance - Section 640.2 - Special Exception Uses in Office Districts, Requirements - Use Unit 1208 - Request a variance of the 20' rear yard requirement for apartments to 4' to permit a lot split in an OL zoned district, located at 8014 East 2nd Street.

Presentation:

The applicant, Ronald Marsh, 209 South Indianwood, Broken Arrow, Oklahoma, who is Executive Director of Sertoma, explained that the organization plans to buy a piece of property that adjoins the existing property. He noted that the tract has an existing apartment complex with a parcel of land on the rear that is to be split off and attached to existing property. Mr. Marsh pointed out that they would then build a building 40' by 80' which would require 43% land coverage.

Comments and Questions:

Ms. Bradley asked if Sertoma owns the property facing 2nd Street. Mr. Marsh replied that they have a contract on the land contingent upon the BOA decision.

Ms. Wilson asked if the apartments are occupied at this time and Mr. Marsh answered that he believes the apartments are all rented.

Mr. Gardner informed that the organization is splitting off 60' by 125' of the southern portion of the apartment project and adding it to the Sertoma property to the south in order to make the expansion. Mr. Gardner pointed out that the apartments will then be 4' from the north boundary line and 20' to 30' from the new building.

Ms. Wilson asked if the plans were to add on to the existing building and Mr. Marsh informed that the expansion will not be attached except by a portico.

Mr. Clubston asked what type of work is done at Sertoma. Mr. Marsh explained that basically menial labor is done by the employees.

Ms. Bradley asked if a school is operating on the property at this time and how many people would be in the classes. Mr. Marsh replied that the school is in operation at this time and about 80 students are expected to be in the classes.

Case No. 13678 (continued)

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Variance** (Section 640.2 - Special Exception Uses in Office Districts, Requirements - Use Unit 1208) of the 20' rear yard requirement for apartments to 4' to permit a lot split in an OL zoned district; per lot split as TMAPC approved; on the following described property:

Lot 1, Block 9, Tommy Lee Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 13679

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 50' setback from the centerlines of 26th Place North and Quaker to 25' to permit placement of a building, located on the SW/c of 26th Place North and Quaker.

Presentation:

The applicant, Rufus Freeman, 3117 East Xyler, Tulsa, Oklahoma, stated that he plans to construct a day care center on the subject property and informed the Board that the location for construction is 4' higher than the street level. A plot plan (Exhibit O-1) and a Flood Plain Determination (Exhibit O-2) were submitted.

Comments and Questions:

Mr. Jones informed that the Technical Advisory Committee has approved a waiver of the replat with onsite detention as a requirement.

Mr. Chappelle asked Mr. Freeman to state the number of children he plans to enroll at the center. The applicant replied that he plans to have approximately 45 children at the nursery.

Case No. 13679 (continued)

Ms. Bradley asked the size of the facility and Mr. Freeman informed that the building would have 1728 sq. ft. of floor space.

Mr. Gardner stated that the applicant is not advertised for the relief necessary.

Mr. Jones informed the Board that the applicant needs additional relief which will require filing fees. He stated that if the Board is inclined to deny the request, they should not have the applicant pay the fee for readvertising.

Mr. Jackere asked what type of relief is needed. Ms. Hubbard stated that a variance was needed in lot area, a setback variance and floor area ratio of 50%. Mr. Jackere informed that the lot appears to be too small for the use.

Mr. Clugston stated that he could not see the hardship in this case.

Mr. Chappelle informed that there were several letters of opposition (Exhibit O-3) from the residents in the area.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions; none "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; and to DENY a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts) of the 50' setback from the centerlines of 26th Place North and Quaker to 25' to permit placement of a building; finding that the lot was too small for the project; finding that the day care center would not be compatible with the residential neighborhood and would not be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 12, Block 4, Cliff View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13680

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Request an exception to permit an office use on the first floor of an existing apartment building in an RM-2 zoned district, located at 1933 South Boston Avenue.

Case No. 13680 (continued)

Presentation:

The applicant, Rick Braselton, was represented by Mike Dankbar, 10014 South Maplewood, Tulsa, Oklahoma, who presented a plot plan (Exhibit P-1). He explained that that he would like permission from the Board to convert the first floor of an existing apartment complex to offices for Braselton-Dankbar, Architects. Mr. Dankbar noted that the remainder of the building will continue to be apartments. He informed that the business will comply with the screening, landscape and parking requirements. Mr. Dankbar pointed out that there are other commercial uses in the area.

Comments and Questions:

Ms. Wilson asked what type of signage will be placed on the property and Mr. Dankbar replied that a small sign will be placed at the front of the building.

Mr. Chappelle inquired as to the use of the building to the north of the subject property and Mr. Dankbar stated that the building has been renovated and houses a firm for interior design.

Ms. Bradley asked Mr. Dankbar to state the square footage in the first floor of the building in question. Mr. Dankbar informed that the ground floor of the complex has 1800 sq. ft. of floor space.

Board Action:

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in the Residential Districts) to permit an office use on; the first floor of an existing apartment building in an RM-2 zoned district; per plot plan submitted; finding that the office use is consistent with the area; subject to office approval meeting the off-street parking requirements; on the following described property:

Lot 31, Block 2, Boston Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13681

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 36th Street North and Lewis.

Presentation:

The applicant, Lupe Rogers, was not present.

Comments and Questions:

Mr. Jones stated that the check given for the filing fee was returned and indicated insufficient funds. The applicant was contacted on July 8, 1985 and has not paid the fee.

Case No. 13681 (continued)

Board Action:

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to STRIKE Case No. 13681.

Case No. 13683

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to permit an addition to an exsisting church and school site and to permit a convent (living quarters) in an RS-3 zoned district, located at 2611 West 46th Street.

Presentation:

The applicant, St. Catherine's Church, was not represented. A letter requesting withdrawal of the application and refund of filing fees was submitted (Exhibit X-1).

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to WITHDRAW Case No. 13683 and to refund \$25.00, which is the hearing portion of the filing fees; finding that all of the preparation for the case has been performed except the Board hearing.

Case No. 13684

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial District - Use Unit 1217 - Request an exception to permit a 4 bay car wash in a CS zoned district.

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request a variance of the 100' setback from the centerline of Charles Page Blvd. to 50' to permit construction of a structure, located on the SE/c of Charles Page Blvd. and Nogales.

Presentation:

The applicant, Stephen Buford, was represented by Attorney Darven Brown, 5565 South Lewis, Tulsa, Oklahoma, who submitted a plot plan (Exhibit Q-1) for a 4 bay car wash at the above stated location. He stated that an application was previously made by Mr. Buford for a car wash on the northwest corner of the intersection at 3rd and Nogales. Mr. Brown informed that that application was withdrawn because of protests and relocation was considered, which is before the Board at this time. He stated that the variance is requested because the setback uses up all of one lot and 1/3 of the adjoining lot.

Case No. 13684 (continued)

Comments and Questions:

Ms. Wilson asked how the excess water will be contained.

Steve Buford, P.O. Box 3669, Tulsa, Oklahoma, noted that there will be sludge pits installed to hold excess water.

Interested Parties:

Marie Peck, 212 South Olympia, Tulsa, Oklahoma and Juanita Wafford, 216 South Nogales, Tulsa, Oklahoma, stated that they are not against the car wash, but would like to ask the Board to restrict the activity to 10 p.m.

Ms. Bradley asked Mr. Buford to state the hours of operation for the car wash. Mr. Stan Buford, 107 South Phoenix, Tulsa, Oklahoma, stated that the business would open at 7 a.m.

Ms. Wilson asked if there would be an attendant on duty at the car wash and Mr. Buford informed that there would not be a full time employee.

Protestants:

A letter protesting the car wash was submitted (Exhibit Q-2).

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in the Commercial District - Use Unit 1217) to permit a 4 bay car wash in a CS zoned district; and to APPROVE a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) of the 100' setback from the centerline of Charles Page Blvd. to 50' to permit construction of a structure; finding that a car wash would not be detrimental to the area; finding a hardship imposed on the applicant by the corner location of the tract; subject to interior lighting being turned off and business operations ceasing at 10 p.m.; subject to exterior lights being directed away from the residential neighborhood; on the following described property:

Lots 2 and 3, Block 8, Crosbie Heights, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13686

Action Requested:

Special Exception - Section 410 - Principal Use Permitted in the Residential Districts - Use Unit 1205 - Request an exception to expand an existing nursing home and to permit off-street parking in an RM-2 zoned district.

Variance - Section 440.7 - Special Exception Use in Residential Districts, Requirements - Request a variance of the 25' setback from

Case No. 13686 (continued)

abutting properties to 5', located north of the northwest corner of Charles Page Blvd. and Olympia.

Presentation:

The applicant, Stephen Buford, P.O. 3669, Tulsa, Oklahoma, was represented by Attorney Darven Brown, 5565 South Lewis, Tulsa, Oklahoma, who submitted a plot plan (Exhibit R-1). Mr. Brown informed the Board that an addition to an existing nursing home is proposed at the above stated location. He explained that the 2 north wings will be joined, leaving an open area in the center. Mr. Brown asked the Board to permit a variance of the 5' setback on the north lot and to allow off-street parking on the east lot.

Interested Parties:

Juanita Wafford, 216 Nogales, Tulsa, Oklahoma, who lives next door, stated that she is not against Lot 5 being used for nursing home parking; however, she asked that large trucks not be allowed to park on the lot. She asked that a screening fence be installed between her property and the parking lot and that the lot be covered with a hard surface. Ms. Wafford asked that the lighting for the parking area be directed away from the residential neighborhood.

Comments and Questions:

Mr. Gardner informed that the Building Inspector had not seen the plans and it appears that the parking spaces are not deep enough to meet the Code and that a variance for the floor area ratio would be needed. He pointed out that the applicant needs more relief than he is advertised for.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 13686 until August 22, 1985 to allow the applicant to advertise for additional relief.

OTHER BUSINESS

Consideration of substitute plot plan for case 9524.

The Skelly Drive Baptist Church was represented by Joe Coleman, 610 South Main, who submitted a plot plan (Exhibit S-1), a Flood Plain Determination (Exhibit S-1) and an Earth Change Permit (Exhibit S-1). Mr. Coleman explained that the plans for the new addition have been revised to eliminate the need for a setback and height variance which were requested at an earlier meeting. He stated that all the requirements of Floodwater Management have been met.

Ms. Bradley asked if protestants from the former hearing were notified and Mr. Jones informed that the applicant has all of the relief that he needs, which was approved under a previous case, per plot plan. He pointed out that the new plot plan is before the Board at this time.

Case No. 9524 (continued)

Mr. Coleman stated that the plan does not deviate in square footage from the original plan more than 15%.

Mr. Jackere pointed out that the Board needs to decide if the plot plan is significantly different from the one submitted at the original hearing.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a substitute plot plan for Case 9524; subject to Stormwater Management approval; subject to the auditorium on the substitute plot plan not deviating from original plot plan more than 15% in area; and subject to the addition meeting the front building setback.

13636 - Lee Taylor - Review of new sign configuration - 3840 South Peoria.

Lee Taylor, 3840 South Peoria, Tulsa, Oklahoma, submitted a sign plan (Exhibit V-1). Mr. Taylor stated that the old sign which was to be modified, was knocked down by truck. He asked the Board to approve a new sign.

Mr. Jones informed that on June 27, 1985, the Board approved a setback variance from the centerline of Peoria from 50' to 33'; subject to the bottom of the sign being no lower than 8' on the west side of the pole; and total signage of both sides not to exceed 150 sq. ft. total aggregate display surface area.

There was discussion about the display area of the sign. Mr. Gardner explained to the applicant that he can have a sign a 10' by 15', or 150 sq. ft.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the new sign configuration located at 3840 South Peoria; subject to the display surface area not to exceed 150 sq. ft.

Consideration of revised plot plan for case number 7669, located at the NW/c of 31st Street and South 101st East Avenue approved by B.O.A. November 2, 1972.

Robert Sartin, 4183 East 47th Place, Tulsa, Oklahoma, submitted a revised plot plan (Exhibit T-1) and stated that he is representing the owner of the property on which Regency Oldsmobile is located. He explained that the plans for expansion were approved in 1972 and now the work load warrants the completing of the plans. The applicant noted that the revised building plan is for a small expansion to the west, and 6 mechanic stalls are proposed.

Case No. 7669 (continued)

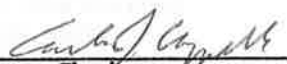
Board Action:

On MOTION of CLUGSTON and SECOND by BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the revised plot plan for case number 7669, located at the NW/c of 31st Street and South 101st East Avenue, which was originally approved by the BOA, November 2, 1972; per plot plan.

There being no further business, the meeting adjourned at 7:08 p.m.

Date Approved

8.8.85


Chairman

07.25.85:444 (32)