

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 446  
Thursday, August 22, 1985, 1:00 p.m.  
City Commission Room, Plaza Level  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman White Wilson	Clugston	Gardner Frank Moore Taylor	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, August 20, 1985, at 3:45 p.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** the Minutes of August 8, 1985.

**UNFINISHED BUSINESS**

**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 SE/c of 36th Street and Yale.

**Presentation:**

The applicant, Charles Norman, requested withdrawal of Case No. 13587.

**Comments and Questions:**

Terry Taylor pointed out that No. 5 under Staff Comments should be corrected to read; TMAPC recommended approval of the zoning and P.U.D. on July 17, 1985.

**Board Action:**

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-1 (Chappelle, White, Wilson, "aye"; no "nays"; Bradley, "abstaining"; Clugston, "absent") to **WITHDRAW** Case No. 13587.

**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.

**Comments and Questions:**

Ms. Hubbard informed the Board that the applicant was before the Board at the last meeting and was not advertised for all the relief needed. She noted that the applicant at this time is not advertised for the required parking.

Mr. Jackere informed that the new addition would require additional parking. He pointed out that the applicant is not advertised for the additional relief.

**Board Action:**

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13662 until September 12, 1985 to allow the applicant to advertise for additional parking relief.

**Case No. 13686**

**Action Requested:**

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

Variance - Section 440.7 - Special Exception Uses In Residential Districts, Requirements - Request a variance of the 25' setback from abutting properties to 5', located north of the NW/c of Charles Page Blvd. and Olympia.

**Presentation:**

The applicant, Steve Buford, 107 South Phoenix, Tulsa, Oklahoma, submitted photos (Exhibit A-1) and a plot plan (Exhibit A-2) for the expansion of an existing nursing home. Mr. Buford stated that his request for a 5' setback has been amended to 10' and informed that several buildings in the area are as close as 10' to the property line. He pointed out that the existing nursing home is approximately 7' or 8' from the the north property line. The applicant asked the Board to permit off-street parking on lot 5 in order that the nursing home would have ample parking for special occasions, holidays, etc.

Case No. 13686 (continued)

Comments and Questions:

Ms. Bradley asked Mr. Gardner if screening is required between the new expansion and the residences to the north. Mr. Gardner stated that there is required screening when a parking lot abutts a residential neighborhood, however, the Board could impose the screening if needed.

Ms. Wilson asked if the homes to the north are occupied by the owners of the properties and Mr. Buford answered that they are owner occupied.

Ms. White asked the applicant what is located to the north of the proposed parking lot. Mr. Buford replied that there are single family residences to the north and a 5' retaining wall with a fence on top.

Ms. Wilson inquired as to the future plans for Lots 6 and 7. The applicant informed that there are no plans for the lots except maybe a curb cut on Lot 7.

Protestants:

Juanita Wafford, 216 South Nogales, Tulsa, Oklahoma, stated that she lives to the north of Lot 5 where the proposed parking lot will be located. Ms. Wafford asked the Board to limit the parking on the proposed lot to nursing home parking only. She stated that in the past large trucks, tractors and other equipment have been parked on the lot. Ms. Wafford further asked that there be a screening fence placed on the nursing home property which would be maintained by the owner, and that the lot be covered with a hard surface. She stated that the parked cars and trucks occasionally block traffic in the 15' alley behind the nursing home.

Ms. Hubbard informed that Mr. Buford is required to provide 9 parking spaces for the nursing home and that the Engineering Department has approved the plans for the parking.

John Hickey, 221 South Nogales, Tulsa, Oklahoma, stated that he is with the law firm Stalner and Stalner which is located directly east of Lots 5, 6 and 7. He stated that the law firm has no objection to the nursing home project, but informed that the intersection of Charles Page and Nogales is very congested and he is concerned that additional parking on these lots and the curb cut on Nogales would add to the traffic problem in the area.

Applicant's Rebuttal:

The applicant pointed out that it would be necessary to have equipment parked on the property during the construction period. He informed that the corner has been lowered which would allow motorist to see oncoming traffic from both directions.

**Case No. 13686 (continued)**

Stan Buford, 107 South Phoenix, Tulsa, Oklahoma, stated that he is one of the owners of the nursing home and informed that there are special occasions at the home which require additional parking spaces. He explained that, at this time, visitors coming to these events have been parking on the street or at other locations. Mr. Buford stated, however, that he does not want to tie the parking to the nursing home.

**Additional Comments:**

Mr. Jackere asked the applicant if he could not make the parking lot an accessory to the nursing home requirements for now. He informed that unless Lot 5 is tied to the home, it could be opened up for any type of parking.

Mr. Gardner informed that if the curb cut were on Nogales, giving access to lot 5, it would be far enough from the intersection to relieve further congestion at that point.

**Board Action:**

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to expand an existing nursing home and to permit off-street parking in an RM-2 zoned district; and to **APPROVE** a **Variance** (Section 440.7 - Special Exception Uses in Residential Districts, Requirements) of the 25' setback from abutting properties to 10'; subject to off-street parking being designated for the nursing home only; subject to a 6' screening fence being placed on the retaining wall to the north of the parking on Lot 5 and this fence being maintained by the applicant; subject to a screening fence being north of the new addition; subject to all lighting being directed away from the residences; subject to the parking lot being a paved surface; subject to no loading ramp in the alley along the new addition; subject to the curb cut into the parking on Lot 5 be from Nogales; per plot plan submitted; finding that the parking lot and nursing home would not be detrimental to the area and would be in harmony with the spirit and intent of the Code and the Comprehensive Plan; finding that there are many existing setback encroachments in the older neighborhood; on the following described property:

Lots 5, 11 and 12, Block 2, Crosbie Heights, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13691**

**Action Requested:**

Variance - Section 1221.4(3)a - CS District Use Conditions for Business Signs - Use Unit 1214 - Request a variance to permit a 246 sq. ft. sign in a CS zoned district, located on the NE/c of 61st and Memorial.

Case No. 13691 (continued)

Presentation:

The applicant, GCC Theaters, was represented by Casper Jones, 1302 South Fulton, Tulsa, Oklahoma, who submitted a plot plan (Exhibit B-1) and asked permission of the Board to place a theater advertising sign on Memorial Drive.

Comments and Questions:

Ms. Wilson asked Ken Bode, Protective Inspections, if the theater is permitted a sign on 61st because of their frontage. Mr. Bode answered that the application was made for a sign at this location.

Mr. Jackere asked Mr. Bode if the theater is allowed 1 sign on 61st Street and 1 sign on Memorial Drive under the current ordinance. Mr. Bode informed that they are allowed signage per arterial street frontage. Mr. Jackere asked if the theater has used all of the allotted sign space on the 61st Street sign and Mr. Bode stated that a large portion of the signage has been used. He noted that 260 sq. ft. of display area is permitted for 1 sign or 130 sq. ft. for 2 signs, and the theater has a 246 sq. ft. sign in place on 61st Street at this time.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to DENY a Variance (Section 1221.4(3)a - CS District Use Conditions for Business Signs - Use Unit 1214) to permit a 246 sq. ft. sign in a CS zoned district; finding that the applicant did not demonstrate a hardship that would warrant the granting of additional signage; on the following described property:

South 200' of the west 290' of Lot 1, all of Lot 2, Block 1, Memorial South Center, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13701

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in the Industrial Districts - Use Unit 1219 - Request an exception to allow a game room (pool tables, and video games) in an IL zoned district, located on the SW/c of 54th Street and Mingo Road.

Presentation:

Request was made by the applicant to withdraw Case No. 13701.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to WITHDRAW Case No. 13701.

## NEW APPLICATIONS

### Case No. 13702

#### Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209 - Request an exception to permit an existing mobile home in an RM-2 zoned district.

Variance - Section 440.6 - Special Exception Uses in the Residential Districts, Requirements - Request a variance to allow a mobile home permanently, located at 828 South 63rd West Avenue.

#### Presentation:

The applicant, Loyce French, 828 South 63rd West Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit C-1) and asked the Board to allow her to park her mobile home permanently at the above stated address.

#### Comments and Questions:

Ms. White asked the applicant if she has a septic sewer system and Ms. French stated that she is on the city sewer.

Ms. Wilson inquired if there are other mobiles in the area and Ms. French stated that there is a mobile home park on 65th Street to the west and one on 10th Street.

Mr. Gardner informed that when a mobile is placed in a residential district, the ordinance requires that it be there for a 1 year period, bond required. He informed that the Board would need to consider the neighborhood and determine if the mobile is compatible with the area. Mr. Gardner pointed out that there are various uses on the surrounding properties and the area is blanket zoned for apartments.

#### Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209) to permit an existing mobile home in an RM-2 zoned district; and to **APPROVE** a **Variance** (Section 440.6 - Special Exception Uses in the Residential districts, Requirements) to allow a mobile home permanently; finding a hardship imposed on the applicant by the mixture of uses on the surrounding properties; finding that there are other mobiles in the area and that the mobile home in question has been in place for a period of 3 years; on the following described property:

Lot 14, Block 1, Trimble Subdivision, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13703**

**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 rear yard setback from 25' to 13' to permit an addition to an existing dwelling in an RS-1 zoned district, located at 2433 East 33rd Street.

**Presentation:**

The applicant, Mike Eaton, was represented by Attorney Robert Nichols, 111 West 5th Street, Tulsa, Oklahoma, who submitted a site plan (Exhibit D-1) for an addition to an existing house at the above stated address. Mr. Nichols explained that he is representing the owner of the property in question. He pointed out that the proposed addition to the existing dwelling would encroach on the rear yard setback, however, the bulk and area requirement for the lot would not be violated. Mr. Nichols noted that the landscaping would remain essentially the same and none of the trees would be removed from the property. He pointed out that the hardship is the age of the structure and the need to refurbish it. Mr. Nichols informed that Mr. Eaton is the contractor and is available to answer any questions from the Board.

**Comments and Questions:**

Mr. Chappelle asked Mr. Eaton if there are other homes with a 13' setback in the neighborhood. Mr. Eaton answered that he did not know of any with a 13' rear yard setback.

Ms. White asked how close the proposed addition would be from the property owners to the rear. Mr. Eaton replied that the new portion of the house would be 13' from the rear property line and stated that he is not sure how far it would be from the nearest house.

Ms. Bradley asked Mr. Eaton to note the square footage of the addition and where it will be located on the existing home. He explained that the new construction will be on the north side of the house and will contain approximately 540 square feet of floor space.

Ms. Wilson asked what the new portion of the home would be used for and Mr. Eaton explained that it would be used as office space and dressing rooms for the pool.

**Protestants:**

Bill Bussy, 2440 East 32nd Street, Tulsa, Oklahoma, stated that his lot abutts the subject tract on the north. Mr. Bussy pointed out that he is opposed to construction on the lot and said, in his opinion, the addition would only aggravate an existing drainage problem. He informed that many of the \$200,000 homes in the area sustained extensive water damage in the May, 1984 flood and that there was 6' of water in the street at that time.

**Case No. 13703 (continued)**

Ms. Wilson asked Mr. Bussy where the water comes from and he informed that about 10 homes in the area are built on an old stream bed. He pointed out that if the existing structure is extended, the run-off water will be forced to go west through a 13' wide strip.

Mr. Chappelle asked Mr. Bussy if he would be satisfied with the new construction if the owner obtained approval from Stormwater Management. Mr. Bussy answered that he would not be in agreement with any construction on the lot in question.

Ms. White asked Mr. Nichols to explain why the plans reflected that there are two existing offices already in the home, and another proposed in the new addition, if there is not a business being conducted there. Mr. Eaton explained that there is no business operating at the location.

**Board Action:**

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13703 until September 12, 1985 to allow a review of the property by Stormwater Management.

**Case No. 13704**

**Action Requested:**

Use Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1215 - Request a use variance to allow a landscape contractor in an RS-2 zoned district, located at 2535 East 55th Place.

**Presentation:**

The applicant, Ruby Preaus, was represented by her son, Bill Preaus, 2535 East 55th Place, who explained that he has been operating a landscaping business on land that is owned by his mother. He informed that the operation has been at the above stated address for the past 7 years. Mr. Preaus pointed out that he has purchased property in another area and intends to move the business to the new location in the Spring of 1986. He asked the Board to allow the storage of his equipment at the above stated address until the time of the move.

**Comments and Questions:**

Mr. Chappelle asked Mr. Preaus what type of equipment is stored on the subject property. He informed that there is a truck, loader, backhoe and other landscaping equipment.

Ms. White asked if the property in question is screened with a fence and Mr. Preaus pointed out that the screening is mostly trees, with a 6' wood fence on the west.



**Case No. 13704 (continued)**

Mr. Gardner asked Mr. Preaus to estimate the number of trees and shrubs that he would lose if he were forced to move them at this time. Mr. Preaus stated that he would lose approximately \$10,000 worth of plants and trees if they were moved in the wrong season.

**Protestants:**

Huey Hall, 2506 East 54th Street, Tulsa, Oklahoma, stated that he owns property to the north of the subject tract and intended to ask for screening between the two properties, but will not require it if the landscaping operation is temporary.

**Board Action:**

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1215) to allow a landscape contractor in an RS-2 zoned district; subject to the landscaping business (all commercial plants and equipment) being removed from the subject tract by June 1, 1986; on the following described property:

West 132' of the east 330' of the N/2, SE/4, SW/4, NW/4, of Section 32, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Ms. Wilson requested that the Board be informed when the lot is vacated.

**Case No. 13705**

**Action Requested:**

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance to permit 2 detached accessory buildings which total more than 750 sq. ft. of floor area in an RS-1 zoned district, located at 4548 South Gary Avenue.

**Presentation:**

The applicant, Merton Dale, was represented by Bruce Neal, 106 West 5th, Tulsa, Oklahoma. Mr. Neal informed that he is employed by Walters Building Company and is planning construction of a storage building on Mr. Dale's property. He explained that there is a 400 sq. ft. storage building presently located on the lot, which will be converted to servants quarters upon completion of the new facility. Mr. Neal noted that the proposed structure will be elevated 4' to comply with Stormwater Management requirements.

**Comments and Questions:**

Mr. Chappelle asked Mr. Neal if he intends to have two storage buildings on the lot. Mr. Neal answered that the owner intends to

Case No. 13705 (continued)

renovate the existing 30 year old structure and build an additional 750 sq. ft. building for storage.

Ms. Hubbard informed that the Mr. Dale will not be permitted to have servants quarters on the property without Board of Adjustment approval.

Protestants:

A petition (Exhibit E-1) in opposition to the proposed construction was signed by numerous protestants in the audience.

Mr. Chappelle read a letter of opposition from Jerry Melone (Exhibit E-2).

Carl Spear, 4620 South Gary, Tulsa, Oklahoma, stated that he lives 2 houses south of the subject property and that he spoke with Mr. Dale on the phone about the construction of the storage building. Mr. Spear said that the applicant informed him that he is replacing a building that was destroyed by flood water. He pointed out that there is a stockade fence around the entire property in question, but that he hears the sounds of hammering and sawing behind the fence. He stated that a truck enters the enclosed area and is concerned that a business is operating on the property.

Mr. Jackere asked if the truck had a company name on the side and Mr. Spear answered that it did not have a sign.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **DENY** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) to permit 2 detached accessory buildings which total more than 750 sq. ft. of floor area in an RS-1 zoned district; finding that a hardship was not demonstrated by the applicant that would warrant the granting of the variance requested; on the following described property:

Lot 3, Block 4, Lemasters Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13706

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the maximum 750 sq. ft. floor area for a detached accessory building to 790 sq. ft. 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 centerline of Louisville to 28.5' for a detached accessory building

Case No. 13706 (continued)

and of the 50' setback from the centerline of Knoxville to 33' to permit an existing dwelling, located at 3602 South Knoxville.

Presentation:

The applicant, Jim Hageland, 406 West 36th Place, Sand Springs, Oklahoma, submitted a plot plan (Exhibit F-1) for a 2 car garage. He stated that he is selling the property in question and the buyers propose construction of a garage with an entrance on Louisville. A survey was submitted (Exhibit F-2).

Comments and Questions:

Ms. Bradley noted that the proposed structure would be closer to the street than any other house in the area.

Protestants:

Carroll Griffith, 3603 East 36th Street, Tulsa, Oklahoma, pointed out to the Board that there is sufficient space on the rear of the subject tract to build a garage without encroaching on the setback. Mr. Griffith asked the Board to deny the proposed location.

There were numerous protestants in the audience and a petition (Exhibit F-3) was submitted which was signed by 50 neighbors who oppose the location of the garage as presented.

Additional Comments:

Mr. Jackere pointed out that the subject property abutts more than one street, therefore the owner can designate where the front yard would be located.

Mr. Gardner informed that the applicant should elect a front yard and the Board could satisfy the protestants by designating a specific location for the garage.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the maximum 750 sq. ft. floor area for a detached accessory building to 790 sq. ft. in an RS-3 zoned district; and **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 Knoxville to 33' to permit an existing dwelling; subject to the northern most part of the lot being elected as the front yard; subject to the combined square footage of the existing carport and the proposed 2 car garage not to exceed 790 sq. ft.; subject to proposed structure not encroaching on side yard setbacks on Knoxville and Louisville; subject to the garage being located no closer than 3' from the rear property line; finding that the house is located in an older neighborhood and surrounded by various encroachments; and finding a hardship imposed on the applicant by the irregular shape of the lot; on the following described property:

Case No. 13706 (continued)

Lot 1, Block 7, 36th Street Suburb Addition, City of Tulsa,  
Tulsa County, Oklahoma.

**Case No. 13707**

**Action Requested:**

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance to allow a 729 sq. ft. detached accessory building in an RS-3 zoned district, located at 1531 South Columbia Place.

**Presentation:**

The applicant, Joseph Perry, 1531 South Columbia Place, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1) and a survey (Exhibit G-2) and asked the Board to permit him to build a detached garage at the above stated address.

**Comments and Questions:**

Ms. Hubbard noted that construction has been stopped on the garage since the permit was issued in error.

Ms. White asked the applicant if he will have a workshop in the proposed structure. Mr. Perry stated that the new building would be used for a garage and workshop.

Mr. Jackere asked if the upstairs of the building would have a finished floor and have plumbing installed. Mr. Perry replied that the floor will not be finished, but a sink will be installed in the garage portion.

Ms. Wilson asked if there are other detached garages in the area and the applicant answered that there are many others in the neighborhood.

**Protestants:**

Eugene Colleow, 1534 South Delaware, Tulsa, Oklahoma, pointed out that the applicant is proposing to overbuild the lot. He stated that the accessory building could be converted to an apartment in the future and asked the Board to deny the request.

**Additional Comments:**

Ms. Hubbard informed that Mr. Perry would be allowed approximately 630 sq. ft. for an accessory building without coming to the Board.

**Board Action:**

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 2-2-0 (Bradley, Wilson, "aye"; Chappelle, White, "nay"; no "abstentions"; Clugston, "absent") to **DENY** a Variance (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) to allow a 729 sq. ft. detached

Case No. 13707 (continued)

accessory building in an RS-3 zoned district; on the following described property:

Lot 11, Block 1, Olive Terrace, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13708**

**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 55' setback from the centerline of St. Louis to 38' to allow a carport in an RS-3 zoned district, located at 4156 South St. Louis.

**Presentation:**

The applicant William Brewster, 4156 South St. Louis, Tulsa, Oklahoma, asked the Board to allow him to attach a 20' by 20' carport to the front of his home. He pointed out that his garage was constructed several years ago and is not large enough for his car.

**Comments and Questions:**

Mr. Chappelle asked if there are other carports in the area and the applicant answered that there are others in the neighborhood.

Ms. White asked if the other carports in the vicinity are located on the side of the homes instead of the front. Mr. Brewster informed that the others are constructed on the side yards.

Ms. Wilson asked the applicant to state the hardship that would warrant the granting of a variance. Mr. Brewster replied that the garage is too small for his car.

**Board Action:**

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **DENY** a Variance (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206) of the 55' setback from the centerline of St. Louis to 38' to allow a carport in an RS-3 zoned district; finding that there are no other front yard carports in the area; and finding that a hardship was not demonstrated by the applicant that would justify the granting of the variance requested; on the following described property:

Lot 6, Block 3, Warren Heights, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13709**

**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 55' setback from the centerline of 38th Street North to 40' to permit an existing dwelling in an RS-3 zoned district, located at 711 East 38th Street North.

**Presentation:**

The applicant, Floyd Price, 711 East 38th Street North, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1) and explained that his home is about 1 year old and was constructed over the front setback.

**Comments and Questions:**

Ms. Hubbard noted that there is an error on the agenda and that the variance should be amended to a 50' setback from the centerline of 38th Street North instead of 55'.

Ms. Wilson asked Mr. Price if he is attempting to clear the title and he answered in the affirmative.

**Board Action:**

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "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 50' setback from the centerline of 38th Street North to 40' to permit an existing dwelling in an RS-3 zoned district; per plot plan submitted; on the following described property:

Lots 8 and 9, Block 1, Northland Plaza, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13710**

**Action Requested:**

Variance - Section 330 - Bulk and Area Requirements in the AG District - Use Unit 1206 - Request a variance of the bulk and area requirements to permit a lot split (4 lots) in an AG zoned district, located at 10333 South Yale.

**Presentation:**

The applicant requested by letter (Exhibit I-1) that Case No. 13710 be continued until September 12, 1985.

**Board Action:**

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **CONTINUE** Case No. 13710 to September 12, 1985.

### Case No. 13711

#### Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in a Residential District - Use Unit 1208 - Request a variance to permit 16 apartment units.

Variance - Section 1208.4 - Off-Street Parking and Loading Requirements - Use Unit 1210 - Request a variance of parking spaces from 24 to 18.

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request an exception to permit off-street parking in an RM-2 zoned district, located on the NE/c of 13th Street and St. Louis.

#### Presentation:

The applicant, Dennis Wood, requested to withdraw Case No. 13711 and asked that the application fee of \$100.00 be refunded.

#### Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to WITHDRAW Case No. 13711 and to refund fees in the amount of \$75.00; finding that a portion of the processing has already been completed, which would prevent the total refund.

### Case No. 13712

#### Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to permit an existing American Legion Post, Carson-Wilson Post No. 1, in an RS-3 zoned district, located at 1120 East 8th Street.

#### Presentation:

The applicant, Cull Bivins, 5321 South Sheridan, Tulsa, Oklahoma, informed that he is representing the American Legion. He noted that the organization was attempting to acquire a liquor license and was informed that a special exception would have to be obtained for the RS-3 zoned district. Mr. Bivins informed that in 1927 the City of Tulsa donated the land to the organization. He noted that the Legion renders services to veterans and their families. Mr. Bivins stated that the liquor is for the members that want to socialize at the club.

#### Comments and Questions:

Ms. Wilson pointed out that when she viewed the property a beer sign was in the window and it looked as if a bar were operating on the property.

Case No. 13712 (continued)

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-1-0 (Bradley, Chappelle, White, "aye"; Wilson, "nay"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205) to permit an existing American Legion Post, Carson - Wilson Post No. 1, in an RS-3 zoned district; on the following described property:

Lots 1, 2, 3, 4 and 5, Block 4, Lots 7 through 25, Block 5, Less the west 20' of Lot 18 and the east 20' of Lot 19, Block 5, Oaklawn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13713

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1212 - Request a use variance to permit an existing private club in an RM-1 zoned district, located at 1123 East Young Street.

Presentation:

The applicant, George Monroe, 1111 East Young, Tulsa, Oklahoma, stated that he is operating a private club at the above stated address. Mr. Monroe informed that he has the best clientel on the north side of Tulsa and lives next door to his business. He stated that he has sufficient parking for the club and asked the Board to allow him to continue operation.

Comments and Questions:

Ms. Bradley asked Mr. Monroe where his parking lot for the club is located and he replied that his parking spaces are at the rear of his business.

Ms. Wilson asked if the name of the club is 'The Pink House' and Mr. Monroe answered in the affirmative.

Interested Parties:

Ms. Ruby Hite, 1039 East Young Street, Tulsa, Oklahoma, stated that she lives 2 blocks from the club and that the business is a very nice, quiet operation.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Use Variance (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1212) to permit an existing private club in an RM-1 zoned district; finding that the club has been at the present location for many years; and finding that the business is compatible with the



**Case No. 13713 (continued)**

surrounding neighborhood and does not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

West 79' of Lot 3, Block 3, Sunny Slope Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13714**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1207 - Request an exception to allow a duplex 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 centerline of 16th Street to 35'.

Variance - Section 440.3 - Special Exception Uses in Residential Districts, Requirements - Request a variance of the lot area from 9,000 sq. ft. to 7,392 sq. ft., of the land area from 5,000 sq. ft. to 4,279 sq. ft. and of the livability space from 2,500 sq. ft. to 1,545 sq. ft., located at 1602 South Knoxville.

**Presentation:**

The applicant, Lloyd Wheaton, P.O. Box 1123, Claremore, Oklahoma, submitted a plot plan (Exhibit J-1) for a proposed duplex. Mr. Wheaton stated that there was a duplex on the lot which was destroyed by fire in the 1930's and at that time the 2 car garage behind the duplex was converted to an apartment. He informed that his son lives in the apartment and would like permission to rebuild the duplex. Mr. Wheaton stated that his other son lives next door in a duplex which is similar to the one that burned on the subject lot. He pointed out that all of the houses on 16th Street between Harvard and the fairgrounds are 35' from the centerline. The applicant explained that there are approximately 11 duplexes in the area.

**Comments and Questions:**

Ms. Wilson asked the applicant if he is proposing to build a duplex on the vacant portion of the lot. Mr. Wheaton answered that he is asking permission to build a duplex with a 10' setback which would line up with the other homes on 16th Street.

Mr. Gardner stated that originally there was a duplex and a detached garage on the lot. The duplex burned and the detached garage was then converted to a dwelling. He pointed out that the applicant is now asking permission to have 3 dwelling units (1 garage apartment and 1 duplex) on the subject lot. Mr. Gardner noted that the applicant does not meet the current requirements for a duplex, much less 3 units, and needs a variance of the lot area from the Board.

**Case No. 13714 (continued)**

Ms. White asked if the front of the duplex will be toward 16th Street and the applicant replied that the proposed unit will face Knoxville.

Ms. Bradley asked if the parking will be paved on Knoxville and the applicant answered that he plans to pave that area.

The applicant asked to change his request from a duplex to a single family dwelling.

**Protestants:**

Deborah Dees, 1548 South Knoxville, Tulsa, Oklahoma, stated that she lives across the street from the Wheaton property. She pointed out that she has spent several thousand dollars renovating an older home and is concerned that there are too many duplexes in the area.

Mr. Chappelle asked Ms. Dees if she would object to the construction of a single family dwelling and she replied that she would not.

Earnestine Brock, 1608 South Knoxville, Tulsa, Oklahoma, stated that she lives next door to the subject tract and is against construction on the lot.

**Board Action:**

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13714 until September 12, 1985 to allow the applicant to return to the Board with a plot plan for a single family dwelling.

**Case No. 13715**

**Action Requested:**

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

Variance - Section 440.6(c) - Special Exception Uses in Residential Districts, Requirements - Request a variance to allow a mobile home permanently, located on the SE/c of 24th Street and 133rd East Avenue.

**Presentation:**

The applicant, Ella Rae Rodden, 26220 East Admiral Place, Tulsa, Oklahoma, asked the Board to allow her to place a mobile home on her lot at the above stated location. She pointed out that she will build a home on the subject lot at a future date.

Case No. 13715 (continued)

Protestants:

A petition (Exhibit X-1) was signed and submitted by protestants in the audience.

Comments and Questions:

Mr. Chappelle asked Ms. Rodden if other mobiles are located in the area and she stated that there are no others in the neighborhood.

Ms. Wilson asked the applicant to address the hardship for granting the variance requested. Ms. Rodden stated that there was no hardship, but would like to have the trailer to live in until the construction of a home on the lot.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1209) to allow a mobile home in an RS-2 zoned district; and to **DENY** a **Variance** (Section 440.6(c) - Special Exception Uses in Residential Districts, Requirements) to allow a mobile home permanently; finding that the neighborhood is stable and that there are no other mobile homes in the area; finding that the mobile would be detrimental to the neighborhood and would not be in harmony with the spirit and intent of the Code and the Comprehensive Plan; and finding that the applicant did not present a hardship that would justify the granting of the variance requested; on the following described property:

The east 152.5' of the west 177.5' of the south 105' of the north 130' of the NW/4, SW/4, SE/4, NW/4 of Section 16, T-19-N, R-14-E, of the Indian Base and Meridian, City of Tulsa, County of Tulsa, Oklahoma, according to the U.S. Government Survey thereof.

Case No. 13716

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1225 - Request a use variance to permit storage of construction equipment in an RS-3 zoned district, located east of the SE/c of Garnett and Newton Place.

Presentation:

The applicant, Lewis Bivins, requested that Case No. 13716 be continued until September 26, 1985.

Protestants:

A petition of protestants (Exhibit K-1), photographs of the area (Exhibit K-2) and a letter of protest received by Code Enforcement (Exhibit K-3) were presented to the Board.

Case No. 13716

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13716 to September 26, 1985.

Case No. 13717

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1202/12 - Request an exception to permit a heliport and restaurant in an IL zoned district.

Variance - Section 1221.7 - Use Conditions for Outdoor Advertising Signs - Request a variance to permit a 3 sided sign with 3,600 sq. ft. of display area in lieu of the 4 existing signs with 3,068 sq. ft. of display area, located at 10111 East 45th Place.

Presentation:

The applicant, Bill Stokley, 8921 South 70th East Avenue, Tulsa, Oklahoma, submitted letters of support (Exhibit L-1) for a proposed heliport and restaurant in the Alsuma area. Photographs (Exhibit L-2) of the surrounding area were presented to the Board. Mr. Stokley informed the Board that he is no longer requesting a variance to permit an outdoor advertising sign and stated that any signage for the restaurant and heliport will be in accordance with the Code requirements. Mr. Stokely stated that he bought the subject property approximately 1 year ago and will make major improvements on the tract.

Comments and Questions:

Ms. Bradley asked the size of the lot and Mr. Stokely replied that he owns 2 acres.

Ms. Bradley asked if there is only an office on the lot at this time. The applicant informed that there is an office and a shop where large signs are painted.

Mr. Stokely informed that he is proposing a restaurant with a heliport on top which is 60' by 60' and 140' high.

Ms. Wilson asked who would use the restaurant and the applicant answered that the helicopter would schedule appointments for special occasions and would pick up clients for a meal at the restaurant.

Protestants:

Allen Kraft, 4500 South 102nd East Avenue, Tulsa, Oklahoma, stated that he is concerned with the noise of the helicopter taking off and landing next door to his business. Mr. Kraft also stated a concern with how secure the helicopter would be if it were parked on top of the

**Case No. 13717 (acontinued)**

building during turbulent weather. He stated that he has been located in the area for 15 years and objects to the heliport at this location.

**Additional Comments:**

Ms. Wilson asked Mr. Kraft to state his occupation and he replied that he owns Kraftours.

Ms. White asked Mr. Kraft to inform the Board as to the hours of operation for his business. The applicant stated that Kraftours is open from 9 a.m. until 6 p.m.

**Board Action:**

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13717 until September 26, 1985 to allow the applicant to obtain site location and safety approval from the FAA and TAA and a site plan for the restaurant and heliport.

**Case No. 13718**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request an exception to allow employee parking in an RM-1 zoned district.

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1225 - Request a use variance to permit storage of trucks and equipment, located on the SE/c of Ute and Joplin.

**Presentation:**

The applicant, Flasher Company, was represented by Pat Riebel, 520 North Virginia, Oklahoma City, Oklahoma, who explained that the Flasher Company has been in Tulsa for approximately 20 years. He noted that they have outgrown their present location at Pine Street and Lewis Avenue and have purchased property that fronts on Tecumseh and extends north to Ute. Mr. Riebel explained that the property has dual zoning and that the rear of the tract is zoned residential. He asked permission to use the back portion of the lot to store barricades and road signs. Mr. Riebel submitted a petition of support (Exhibit M-1) signed by neighbors in the area.

**Comments and Questions:**

Mr. Gardner noted that Mr. Riebel applied for a zoning change to allow the storage and TMAPC asked that he bring his request before the Board. The people in the neighborhood had no problem with the storage on the lot, but were opposed to the zoning change that might allow other types of uses for the tract.

**Case No. 13718 (continued)**

Ms. Wilson noted that part of the lot is gravel and asked Mr. Riebel if he intends to put a hard surface on all of the area. Mr. Riebel replied that he was unaware that a hard surface is required.

**Board Action:**

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210) to allow employee parking in an RM-1 zoned district; and to **APPROVE** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1225) to permit storage of trucks and related equipment for the flasher sign business; subject to the paving of the entire lot; finding that the use is not injurious to the neighborhood and would not impair the purpose, spirit and intent of the Code or the Comprehensive Plan; on the following described property:

Lots 18 - 23, Block 11, Original Townsite of Dawson, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13719**

**Action Requested:**

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1214 - Request a variance of the 110' setback from the centerline of 21st Street to 100' to allow construction of a restaurant, located west of the SW/c of 21st and Garnett.

**Presentation:**

The applicant, Bob Griffin, was represented by John Morrison, 2424 Springer Drive, Norman, Oklahoma, who submitted a plot plan (Exhibit N-1). Mr. Morrison asked the Board to allow the construction of a Kentucky Fried Chicken restaurant which would protrude 10' over the front setback. He asked that the cafe be permitted to line up with the Midas Muffler Shop and a gas station in the same block that are 110' from the centerline.

**Comments and Questions:**

Ms. Bradley asked the size of the proposed restaurant and Mr. Morrison stated that the building will be 30' by 78'.

**Board Action:**

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1214) of the 110' setback from the centerline of 21st Street to 100' to allow construction of a restaurant; finding a hardship imposed by the various other encroachments along 21st Street; on the following described property:

Case No. 13719 (continued)

West 205' of Lot 3, Block 1, Garnett Acres Amended, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13720**

**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 65th Place to 31' to permit an existing structure in an RS-3 zoned district, located at 5719 East 65th Place.

**Presentation:**

The applicant, Maurice Dunigan, was represented by John Tyler, 5719 East 65th Place, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit O-1). Mr. Tyler stated that he has recently purchased the subject property and the 12 year old house was constructed over the building line. He asked the Board to grant the variance to clear the title.

**Board Action:**

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "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 50' setback from the centerline of 65th Place to 31' to permit an existing structure in an RS-3 zoned district; per plat of survey; on the following described property:

Lot 9, Block 3, Hidden Valley Estates, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13721**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted In the Commercial Districts - Use Unit 1202 - Request an exception to allow a post office in a CS zoned district, located north of the NW/c of 31st Street and 129th East Avenue.

**Presentation:**

The applicant, Edward Enlow, 13607 East 26th Street, Tulsa, Oklahoma, presented a plot plan (Exhibit P-1) for a U.S. Post Office. Mr. Enlow pointed out that there is no zoning specified for a post office, so it is always necessary to appear before the Board for a special exception.

**Comments and Questions:**

Ms. Bradley asked if there is sufficient space for parking on the proposed lot and the applicant replied that there is adequate parking on the 3.54 acre tract.

**Case No. 13721 (continued)**

**Board Action:**

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1202) to allow a post office in a CS zoned district; per plot plan; on the following described property:

A tract of land in Lot 1, Block 1, Blue-Robb Addition, an Addition in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows, to-wit: Beginning at a point on the east line of said Lot 1, said point being 166.7 feet south of the NE/c of said Lot 1; thence due west parallel to the north line of said Lot 1 a distance of 314.52 feet to the NE/c of Lot 2, Block 1, of said Blue-Robb Addition; thence due South along the east line of said Lot 2, the same being the west line of said Lot 1, a distance of 490.00 feet to a point; thence due East parallel to the north line of said Lot 1 a distance of 314.52 feet to a point on the east line of said Lot 1; thence due north along the east line of said Lot 1 a distance of 490.00 feet to the Point of Beginning, and containing 3.5380 acres more or less.

**Case No. 13722**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1219 - Request an exception to permit an enclosed shooting range and sales and repair of guns in a CS zoned district, located at 3028 South Sheridan.

**Presentation:**

The applicant, Tulsa Fire Alarm Academy, requested that Case No. 13722 be withdrawn.

**Board Action:**

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **WITHDRAW** Case No. 13722.

**Case No. 13723**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request an exception to permit a mobile home in an RS-3 zoned district, located south of the SE/c of 11th Street and 76th East Avenue.



Case No. 13723 (continued)

Presentation:

The applicant, Thomas Baines, 320 South Boston, Tulsa, Oklahoma, stated that the owner of the subject tract operates a used car business on his lots to the north. Mr. Baines noted that there has been vandalism in the area and asked the Board to permit a mobile home to remain on the lot in order that a security guard could be on the property at night.

Comments and Questions:

Mr. Chappelle stated that the Board has received a letter from Code Enforcement (Exhibit Q-1) that there have been numerous complaints concerning the subject property.

Protestants:

Letters of opposition (Exhibit Q-2) were submitted to the Board. There were numerous protestants in the audience who presented a petition (Exhibit Q-3) in opposition to the mobile being located in the RS-3 zoned district. Photographs were submitted (Exhibit Q-4).

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209); finding that the mobile home in the RS-3 zone is not in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 20, Block 1, Eastmoor Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13724

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225 - Request a variance of the 110' setback from the centerline of 41st Street to 100' to permit an addition to an existing structure in an IL zoned district, located at 8545 East 41st Street.

Presentation:

The applicant, Will Dyer, 1110 West 23rd Street, Tulsa, Oklahoma, who represented Retherford Publications, Inc., submitted a plot plan (Exhibit R-1). He informed that the company is proposing an addition on the west side of the existing building. Mr. Dyer pointed out that the new portion of the two-story building will not extend further toward the street than the existing structure.

Comments and Questions:

Ms. Bradley asked Mr. Dyer to state the use of the new structure. He answered that the building would be used primarily for newspaper publication.

Case No. 13724 (continued)

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225) of the 110' setback from the centerline of 41st Street to 100' to permit an addition to an existing structure in an IL zoned district; per plot plan submitted; finding a hardship imposed on the applicant by the existing building encroachments in the area; on the following described property:

Lot 1, Block 1, Bond Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13725

Action Requested:

Special Exception - Section 710 - Permitted Uses in the Commercial Districts - Use Unit 1217 - Request an exception to modify the Conditions of Approval, Case No. 13613, to permit an overhead door to be located on the west end of a proposed structure in a CS zoned district, located on the SW/c of the Mingo Valley Expressway and 11th Street.

Presentation:

The applicant, Roy Hinkle, 1515 East 71st Street, Tulsa Oklahoma, presented a floor plan (Exhibit S-1) and photographs (Exhibit S-2). Mr. Hinkle asked the Board to allow 2 doors on the west side of the proposed structure. Mr. Hinkle stated that he has employed a sound expert to test the noise which would be generated by the operation of the overhead doors.

Doug Brown, 3311 South Yale, Tulsa, Oklahoma, informed that he has made sound measurements at the present Crow Toyota location as well as the proposed location where the Mingo Valley road noise exists and found the noise levels to be approximately the same.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 710 - Permitted Uses in the Commercial Districts - Use Unit 1217) to modify the Conditions of Approval, Case No. 13613, to permit 2 overhead doors to be located on the west end of the proposed structure in a CS zoned district; per plot plan submitted; finding that the granting of the special exception would not be injurious 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:

**Case No. 13725 (continued)**

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

Commencing at a point lying 50.00 feet east and 265 feet south of the northwest corner of said NE/4 NW/4; thence S 00°13'14" E and parallel to the west line thereof a distance of 185.00 feet to a point on the most northerly line of Crescent Heights Addition according to the recorded plat thereof; thence N 89°57'46" E along said most northerly line a distance of 599.06 feet to the Point of Beginning; thence N 89°57'46" E along said most northerly line a distance of 393.15 feet to the northeast corner of Lot 3, Block 1 of said Crescent Heights Addition, said point lying on the westerly right-of-way line of U.S. Highway 169; thence N 13°59'12" W along said right-of-way line a distance of 325.70 feet to a point; thence N 01°22'34" W along said right-of-way line a distance of 68.92 feet to a point lying 357.00 feet S 89°57'46" W and 65.02 feet S 01°22'34" E of the Northeast corner of said NE/4 NW/4; thence S 89°57'46" W parallel to and 65.00 feet south of the north line of said NE/4 NW/4 a distance of 192.59 feet to a point; thence S 00°02'14" E a distance of 223.02 feet; thence S 89°56'30" W a distance of 120.43 feet; thence S 00°02'14" E a distance of 161.94 feet to the Point of Beginning, containing 2.4478 acres, more or less.

**Case No. 13726**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request an exception to allow a day care center in Andrew Carnegie Elementary School in an RS-2 zoned district, located at 4309 East 56th Street.

**Presentation:**

The applicant, Karen Droms, 13639 South 109th East Avenue, Tulsa, Oklahoma, asked the Board to allow her to operate a day care center from 7 a.m. to 6 p.m. at the Andrew Carnegie Elementary School.

**Comments and Questions:**

Mr. Chappelle asked if there is a separate play area for the children and Ms. Droms replied that a separate play area is provided for the day care.

Mr. Chappelle inquired as to the number of children enrolled in the center and the applicant informed that the day care now has an enrollment of 54, with a capacity of 84.

Ms. Bradley asked the ages of the children and Ms. Droms answered that the ages of those receiving services would be from 3 years to 12 years.

Case No. 13726 (continued)

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a day care center in Andrew Carnegie Elementary School in an RS-2 zoned district; finding that a day care center would be compatible with the neighborhood and the surrounding area; on the following described property:

A tract or parcel of land in the southwest quarter of the northeast quarter (SW/4 NE/4) of Section Thirty-three (33), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian in 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 on the south line of said SW/4 NE/4 of said Section 33, said point being 264 feet west of the southeast corner of said SW/4 NE/4 of said Section 33; thence North 00°00'44" West a distance of 495.09 feet to a point; thence North 89°58'07" West a distance of 396.96 feet to a point on the east line of the W/2 SW/4 NE/4 of said Section 33; thence South 00°00'17" East along the east line of said W/2, SW/4, NE/4 of said Section 33, a distance of 179.80 feet to a point; thence North 89°58'25" West a distance of 415.00 feet to a point; thence South 00°00'44" East a distance of 315.33 feet to the south line of said SW/4, NE/4 of said Section 33; thence South 89°58'25" East along said south line of said SW/4, NE/4 of said Section 33 a distance of 812.00 feet to the point of beginning.

There being no further business, the meeting adjourned at 6:07 p.m.

Date Approved

9/26/85

  
Chairman