

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 447
Thursday, September 12, 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 Smith, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 10, 1985, at 9:10 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 1:03 p.m.

MINUTES: \

Ms. Wilson pointed out that there is an error in the August 22, 1985 minutes. She stated that she made the motion under Board Action, Case No. 13726, and not Ms. Bradley as the minutes reflect.

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-1 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; Clugston, "abstaining"; none "absent") to APPROVE the Minutes of August 22, 1985 as corrected.

UNFINISHED BUSINESS

Case No. 13523

Action Requested:

Special Exception - Section 1680.1(g) Exception - Use Unit 1210 - Request an exception to permit off-street parking within an RM-1 zoned district, when abutting a commercial district in conjunction with a shopping center.

Special Exception - Section 150.3 - Modification of the screening along the south property line of the subject tract.

Variance - Section 1214.4 - Off-Parking and Loading Requirements - Request a variance of the parking requirements to allow for expansion of shopping center in the future, located south of the SW/c of 21st Street and 145th East Avenue.

9.12.85:447(1)

Case No. 13523 (continued)

Presentation:

A letter (Exhibit XX-1) from the applicant, requesting continuance of Case No. 13523 until September 26, 1985, was submitted to the Board.

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 CONTINUE Case No. 13523 until September 26, 1985.

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' and of the 50' setback from the centerline of 4th Street to 39' to permit construction of a new building and an addition to an existing building in an IM zoned district.

Variance - Section 1320(d) - General Requirements - Request a variance to permit required parking on a lot other than the lot of the principal use, located east of 4th Street and Quincy.

Presentation:

The applicant, Southwestern Process Supply, was represented by Don Piscopo, 1323 East 20th, Tulsa, Oklahoma, who submitted a plot plan (Exhibit A-1). Mr. Piscopo asked the Board to grant a variance of setbacks on Quincy and 4th Street and a variance to allow required parking on a lot across the street from the subject property. He stated that he thought he could just line up the new construction with the existing buildings along the street.

Protestants: None.

Comments and Questions:

Ms. Wilson asked Mr. Piscopo why he is before the Board and he answered that he is attempting to make the completed construction legal.

Mr. Clugston inquired as to when the construction on the south portion of the building was done. Mr. Piscopo answered that the work has been done in the last three months.

Ms. Hubbard informed that the work has been done without a Building Permit because she has been holding it in her office for the past 6 months.

Mr. Chappelle pointed out that various people come after the fact and make application for variances and the Board needs to make a determination on this inappropriate procedure.

Case No. 13662 (continued)

Mr. Gardner stated that the Board in the past has waived setbacks in the area. He noted that the Board had tied construction to a plot plan that was submitted previously and Mr. Piscopo obviously thought he could just line up with the other building. He applied for a building permit and since the case has been continued 2 or 3 times, at his own risk began the building. Mr. Gardner stated that a tie contract is required at this time to obtain adequate parking. He pointed out that Mr. Piscopo can be charged a larger permit fee because he proceeded with construction before a Building Permit was acquired.

Mr. Clugston asked what the buildings in question are to be used for and Mr. Piscopo stated that one structure is a warehouse and the other is a manufacturing facility.

Mr. Piscopo informed that all of the final inspections on the construction have been completed.

Ms. Hubbard informed that, as of approximately 2 weeks ago, courtesy inspections without the benefit of a building permit have ceased.

Mr. Jackere pointed out that the construction is an obvious violation of the law and suggested that the Board should consider asking the Building Inspector to impose a double fee on Mr. Piscopo.

Board Action:

On MOTION of WHITE 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 **Variance** (Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1225) of the 50' setback from the centerline of Quincy to 30' and of the 50' setback from the centerline of 4th Street to 39' to permit construction of a new building and an addition to an existing building in an IM zoned district; and to **APPROVE** a **Variance** (Section 1320(d) - General Requirements) to permit required parking on a lot other than the lot of the principal use; per plot plan; subject to a tie contract on the parking lot and the existing structures across 4th Street; subject to a maximum fee being imposed on the applicant by the Building Inspector; subject to all Code requirements being met; finding a hardship imposed on the applicant by the location of the buildings on a corner lot with setbacks being on both Quincy and 4th Street; finding that the existing buildings in the older area encroach on the setbacks and the structures in question are in line with these buildings; on the following described property:

Lot 12 and the W/2 of Lot 13, Block 18 and Lot 11, Block 19, Lynch-Forsythe Addition, 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 April Canon, 111 West 5th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit B-1). Ms. Canon stated that the owner of the property in question plans to construct an addition to her home and is willing to comply with any water or sewer regulations that the Board might require.

Comments and Questions:

Ms. Wilson asked if a swale is now in place on the property and the owner stated that it is not on the lot at this time, but that she would be willing to install it.

Mr. Gardner informed that Stormwater Management is not aware of a specific drainage problem on the property, but they will review the site if a variance is approved by the Board.

Ms. Hubbard informed that the subject tract is not located in a floodplain.

Ms. White asked Ms. Canon to address the hardship. Ms. Canon pointed out that the home sets at an angle on the lot and that the house is old and needs to be upgraded.

Mr. Jackere asked if a second story would be feasible and the owner stated that the structure of the roof would not permit a second story addition.

Protestants:

Bill Bussey, 2440 East 32nd Street, Tulsa, Oklahoma, stated that there is an existing drainage problem in the area. He pointed out that the water that runs from east to west will have to be concentrated into an area of 13' instead of the 35' or 40' in which it is now allowed to travel.

Mr. Jackere asked Mr. Bussey if he would approve of the addition if the Hydrology Department could assure him that there would be no additional water problem caused by the construction. Mr. Bussey replied that he would not approve of the building because, in his estimation, 13' is too close to the property line.

Doris Miner, 2430 East 32nd Street, Tulsa, Oklahoma, informed that she lost 3 cars in the Memorial Day flood and is against the addition being built 13' from the lot boundary.

Case No. 13703 (continued)

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-2-0 (Bradley, Clugston, White, "aye"; Chappelle, Wilson, "nay"; no "abstentions"; none, "absent") to **DENY** a **Variance** (Section 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts - Use Unit 1206) of the rear yard setback from 25' to 13' to permit an addition to an existing dwelling in an RS-1 zoned district; finding that the granting of the variance would violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 4, Block 1, Timberlane Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13710

Presentation:

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 (2 lots) in an AG zoned district, located at 10333 South Yale.

Presentation:

The applicant, Leonard Howard, 10333 South Yale, Tulsa, Oklahoma, stated that he has been before TMAPC and asked for a 4 lot split, which they discouraged without going through a platting process. Mr. Howard informed that he then amended his request to a 2 lot split which was approved by TMAPC subject to a 200' frontage requirement being waived by this Board. The applicant stated that the frontage on each of the lots is 165'.

Comments and Questions:

Mr. Gardner noted that the AG district requires a 200' frontage. The tract in question which is approximately 337' instead of the required 400', has been approved by TMAPC for a 2 lot split subject to the applicants getting a waiver from the BOA.

Mr. Clugston asked Mr. Howard what is located to the south of the subject tract and he answered that there are 1/2 acre lots south of his property.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by CLUGSTON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk and Area Requirements in the AG District - Use Unit 1206) of the bulk and area requirements to permit a lot split (2 lots) in an AG zoned district; subject to each lot being 165' wide; per TMAPC approval; on the following described property:

Case No. 13710 (continued)

N/2, NW/4, SW/4, NW/4, of Section 27, T-18-N, R-13-E, 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 C-1) for a proposed single family dwelling and photographs (Exhibit C-2) of an existing garage apartment on the subject tract. Mr. Wheaton stated that he previously had asked the Board to permit the construction of a duplex on the lot, but is now amending his request to allow a single family dwelling. He explained that his son now occupies the garage apartment located to the rear of the lot in question, but upon completion of the house the apartment will be used for rental property.

Protestants:

Deborah Dees, 1548 South Knoxville, Tulsa, Oklahoma, stated that she lives across the street from the lot in question and asked the Board if a buyer of the property would be required to use the plans submitted by Mr. Wheaton. She voiced a concern that the plans might be altered if the applicant sells the property.

Earnestine Brock, 1608 South Knoxville, Tulsa, Oklahoma, explained that she lives to the south of the subject tract and is opposed to having two living quarters on one lot.

Ms. Wilson asked Ms. Brock if she lives in the garage apartment or the house located to the south of Mr. Wheaton's property. Ms. Brock stated that she lives in the house and informed that the garage apartment on her lot has not been rented for many years.

Case No. 13714 (continued)

Applicant's Rebuttal:

Mr. Wheaton stated that he understands why Ms. Brock would rather have a vacant lot next to her home, but noted that there are many tracts with 2 dwellings in the area.

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 430.1 - Bulk and Area Requirements in the RS, RD and RM Districts) of the 50' setback from the centerline of 16th Street to 35'; and to APPROVE a Variance (Section 440.3 - Special Exception Uses in Residential Districts, Requirements) 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.; per plot plan for a single family dwelling; finding that there are numerous lots in the area that have two dwellings per lot and have livability space comparable to that requested by the applicant; on the following described property:

Lot 20, Block 6, Sunrise Terrace, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 13184

Action Requested:

Special Exception - Section 1420(f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1209 - Request an exception to permit renovation, redesign, and reconstruction of an existing nonconforming mobile home park in an IL zoned district under the provisions of Section 1680, located on the NE/c of Archer and Darlington.

Presentation:

The applicant, Charles Norman, was represented by Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, who submitted a plot plan (Exhibit D-1) and photographs (Exhibit D-2). Mr. Johnsen informed that the property in question is owned by Jim Tatum and presently has an industrial classification. He pointed out that prior to 1979 a mobile home park was a use by right in an industrial zoned district. Mr. Johnsen noted that the mobile home park has been at the present location since the 1950's and had parking spaces for approximately 113 trailers at that time. He explained that, due to the increased size of mobile homes, the park will be upgraded to accommodate 44 of the new larger models. Mr. Johnsen pointed out that the trailers are moved out and the deteriorated utility lines are to be replaced.

Protestants: None.

Case No. 13184 (continued)

Comments and Questions:

Ms. Bradley asked when the park ceased operation and Mr. Johnsen stated that the park has not been occupied for approximately 1 year.

Mr. Chappelle submitted a letter of support (Exhibit D-3) from W. C. Moore, 5133 East Haskell, Street, Tulsa, Oklahoma, who stated that he is the owner/occupant of property near the mobile home park. Mr. Moore noted that he has never experienced a problem with its operation in the neighborhood and asked the Board to grant the special exception requested.

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 1420(f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Use Unit 1209) to permit renovation, redesign, and reconstruction of an existing nonconforming mobile home park in an IL zoned district under the provisions of Section 1680; per plot plan submitted; finding that the the mobile home park has been located in the IL zoned district for many years and is compatible with the area; on the following described property:

West 360' of the SW/4 of the SE/4 of the SW/4 of Section 34, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13727

Action Requested:

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

Variance - Section 1217.3 - Use Conditions - Request a variance to allow open air storage or display of merchandise within 300' of an adjoining R district, located west of the SW/c of 11th Street and 101st East Avenue.

Presentation:

The applicant, Lurene Taylor, 9772 East 11th Street, Tulsa, Oklahoma, stated that she operates a plumbing business on the subject property. The applicant informed that there is a small building on the lot that she would like to rent as office space. The applicant said that a car lot was in operation when she made application for the automobile sales and open-air storage, but the business has moved.

Protestants: None.

Comments and Questions:

Mr. Jackere informed that the applicant could utilize the building for office use by right, but if it were to be rented for a car lot the variance and special exception would be needed.

Case No. 13727 (continued)

Board Action:

On MOTION of CLUGSTON and SECOND by WISLON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 13727 until September 26, 1985 to allow the applicant to review the uses allowed on the property.

Case No. 13728

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 under the provisions of Section 1680.

Variance - Section 440.6 - 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 an RS-3 zoned district under the provisions of Section 1670, located on the NE/c of West 39th Street and South 27th West Avenue.

Presentation:

The applicant, William Wright, 147 South 34th West Avenue, Tulsa, Oklahoma, asked the Board to allow him to park a mobile home on his property. The applicant said that he purchased the lot approximately 3 years ago and had previously been before the Board to get permission to put the mobile on the lot. Mr. Wright stated that he was required to demolish the old house which was located on the tract and then return with a request for permanent location of the mobile home. He noted that he is now asking for that permanent installment. Mr. Wright said that he intends to brick the outside of the trailer and improve the property.

Protestants: None.

Comments and Questions:

Mr. Chappelle asked Mr. Wright if the mobile home is skirted. Mr. Wright stated that he has the skirting, but has not installed it until final inspections of the water lines are made.

Ms. Wilson asked the applicant if he is living in the mobile home at this time. Mr. Wright stated that he will not move in until he has a permit to leave the mobile on the lot permanently.

Ms. Bradley asked the applicant to address the hardship in this case. Mr. Wright stated that he is upgrading the property and has approval from all of his neighbors.

Mr. Jackere pointed out that the railroad is behind the property and there are numerous types of zoning in the area.

Case No. 13728 (continued)

Mr. Wright informed that he may use the mobile for rental property after the installation is complete.

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 **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to permit a mobile home in an RS-3 zoned district under the provisions of Section 1680; and to **APPROVE** a **Variance** (Section 440.6 - Special Exception Uses in Residential Districts - Requirements - Use Unit 1209) of the one year time limitation for a mobile home to permanently in an RS-3 zoned district under the provisions of Section 1670; subject to skirting being installed; finding a hardship demonstrated by multiple zoning in the area; finding that the mobile home would not be detrimental to the neighborhood and would be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 5, Block 30, Original Townsite of Red Fork, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13729

Action Requested:

Variance - Section 240.2(e) Permitted Yard Obstructions. Use Unit 1209 - Request a variance to permit 2 detached accessory buildings to total 960 sq. ft. and to locate one building in the side yard in an RS-3 zoned district.

Variance - Section 420.2(a) Accessory Use Conditions - Request a variance of the 3' setback from interior lines to 1', located at 3636 South Olympia.

Presentation:

The applicant, Donald Brannum, 3636 South Olympia, Tulsa, Oklahoma, submitted a plot plan (Exhibit E-1) for a proposed 20' by 36' garage.

Comments and Questions:

Ms. Bradley asked Mr. Brannum to explain the use of the new garage. He explained that it would be used for normal purposes.

Mr. Chappelle asked the applicant if he plans to conduct a business in the garage and he answered that he did not know.

Ms. White inquired if a business is being operated on the subject property at this time. The applicant replied that he is doing some upholstery work in a small existing building.

Case No. 13729 (continued)

Mr. Jackere asked Mr. Barannum if some of the storage would be connected with the upholstery business and he answered that part of it would be.

Protestants: None.

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 Variance (Section 240.2(e) Permitted Yard Obstructions - Use Unit 1209) to permit 2 detached accessory buildings to total 960 sq. ft. and to locate one building in the side yard in an RS-3 zoned district; and to DENY a Variance (Section 420.2(a) Accessory Use Conditions) of the 3' setback from interior lines to 1'; finding that the proposed building would be used in conjunction with an upholstery business being conducted on the subject property and that the business operation is in violation of the Code in an RS-3 zoned district; on the following described property:

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

Case No. 13730

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request an exception for a home occupation to permit a lawn mower repair shop in an RS-1 zoned district, located at 2526 South 110th East Avenue.

Presentation:

A letter (Exhibit T-1) was received from the applicant requesting that Case No. 13730 be withdrawn and filing fees be refunded.

Protestants:

Sally Bible, 2532 South 110th East Avenue, Tulsa, Oklahoma, stated that she came to the BOA Meeting to protest the lawn mower operation on the subject tract. Ms. Bible submitted a signed petition (Exhibit T-2) from property owners in the area who are opposed to the business which is being conducted at the above stated address.

Comments and Questions:

Mr. Chappelle suggested to Ms. Bible that she report the lawn mower business to Code Enforcement if the operation continues.

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 WITHDRAW Case No. 13730 with no refund of fees.

Case No. 13731

Action Requested:

Variance - Section 1420 - Nonconforming Use of Building or Buildings and Land in Combination - Use Unit 1205 - Request a variance to expand a nonconforming use.

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a day care center in an RM-1 zoned district, located at 3404 East 33rd Street.

Presentation:

The applicant, W. C. Jones, was represented by Attorney Bob Nichols, who submitted a plot plan (Exhibit F-1) and photographs (Exhibit F-2). Mr. Nichols informed that the property is adjacent to, and part of, Miss Helen's Day Care Center and Dance School that started operating in 1954. He pointed out that the business has been at the current location since 1957. He further informed that the tract in question has been part of the school since 1969. Mr. Nichols stated that Mr. Jones is planning a 550' expansion to the center and when application for a permit was made, he was issued a residential building permit. Mr. Jones then started construction on the addition and did not find out that the business was not properly zoned until the Building Inspector came by to inspect the foundation. Mr. Nichols explained that the property is surrounded by nonresidential uses.

Comments and Questions:

Ms. Bradley asked Mr. Nichols where the addition would be attached to the existing house. Mr. Nichols stated that the construction would be on the south portion of the house. Ms. Bradley pointed out that there is an accessory building on the south part of the lot.

W. C. Jones, 3404 East 33rd Street, Tulsa, Oklahoma, stated that he is owner of the property and explained that there is about 15' between the new addition and the existing accessory building which is used for storage of supplies.

Ms. Bardley asked the size of the proposed expansion to the house. Mr. Jones stated that the new addition will be 18' by 34'.

Ms. Wilson inquired as to why the expansion was necessary. Mr. Jones answered that it is imperative that he provide more space in order to meet the Department of Human Services requirements for the number of children that are now enrolled in the school.

Mr. Chappelle asked Mr. Jones to state the number of children enrolled in the school and the hours of operation. The applicant informed that there are 44 children enrolled at this time and that the school will be open from 7:30 until 5:30, Monday through Friday.

Case No. 13731 (continued)

Mr. Jackere explained that the applicant does not need to request a variance, but only a special exception to allow the day care center in an RM-1 zoned district.

Protestants: None.

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 a request for a Variance (Section 1420 - Nonconforming Use of Building or Buildings and Land in Combination - Use Unit 1205) to expand a nonconforming use; and to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a day care center in an RM-1 zoned district; per plot plan; subject to Building Inspector approval; subject to the proposed addition meeting all other City building requirements; finding that the day care center has been in operation at the present location for many years and is surrounded by numerous commercial uses; on the following described property:

West 70' of the east 140' of the west 165' of the north 120' of Lot 23, Albert Pike Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13732

Action Requested:

Variance - Section 320.2(b) - Accessory Signs in the AG District - Use Unit 1205 - Request a variance to allow 3 existing signs (1 bulletin board and 2 directional signs) for a church in an AG zoned district, located at 9610 South Garnett Road.

Presentation:

The applicant, Kirby R. Anderson, was represented by Bill Donovan, 1522-A South Gillette, Tulsa, Oklahoma, who submitted a plot plan (Exhibit G-1) and photographs (Exhibit G-2). He stated that the church had previously been before the Board and had approval of the major 25' sign which is located in the middle of the 80 acre tract. Mr. Donovan explained that the church is situated approximately 1/4 mile from Garnett and has 2 access roads leading up to the building. He asked the Board to permit a lighted directional sign at each of these driveways in order that cars entering the property at night could locate the entrance. Mr. Donovan noted that the size of each sign would be approximately 30" by 40".

Protestants: None.

Comments and Questions:

Ken Bode, Protective Inspections, informed the Board that the applicant needs approval of the lighting for the signs.

Case No. 13732 (continued)

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 320.2(b) - Accessory Signs in the AG District - Use Unit 1205) to allow 3 existing signs (1 bulletin board and 2 lighted directional signs) for a church in an AG zoned district; per plot plan submitted; finding a hardship imposed on the applicant by the extreme size of the tract; on the following described property:

A tract of land located in the SE/4 of Section 19, T-18-N, R-14-E, Tulsa County, Oklahoma, more particularly described as follows:

Beginning at a point 2664.08' north and 50' west of the SE/c of the said section being the Point of Beginning; THENCE N-89°42'44"-W, a distance of 2584.90'; THENCE S-00°01'51.4"-E, a distance of 1322.01'; THENCE S-89°42'42"-E, a distance of 2585.34'; THENCE N-00°03'00"-W, a distance of 1322.04'; to the point of beginning, containing 78.458 (+) acres.

Case No. 13733

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in a Residential District - Use Unit 1205 - Request an exception to allow an existing day care center as a home occupation, under the provisions of 1680.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1208 - Request a variance to allow an existing garage apartment in an RS zoned district, under the provisions of 1670, located at 828 South Jamestown.

Presentation:

The applicant, David Beck, 828 South Jamestown, Tulsa, Oklahoma, stated that his garage has been converted to an extra bedroom, but does not have a kitchen or bath. Mr. Beck noted that his son sleeps in the garage room at this time. He informed that his wife has been licensed by the State to operate a day care home for 22 years and has been keeping children at the present location for 11 years. Mr. Beck said that the Department of Human Services makes routine inspections of his home. He stated that his wife keeps children from the age of 1 year to 4 years of age who arrive at various times from 6:30 a.m. to approximately 11:30 p.m. Mr. Beck pointed out that there are never more than 5 children in his home at any given time. Photographs were submitted (Exhibit HH-1)

Protestants: None.

9.12.85:447(14)

Case No. 13733 (continued)

Comments and Questions:

Mr. Chappelle asked Mr. Beck to state how many days each week the children are kept in his home. Mr. Beck answered that occasionally his wife cares for children 7 days a week.

Ms. Wilson asked the applicant how long the child care operation has been in existence and he replied that his wife has been taking care of children at this location for 11 years.

Ms. White asked Mr. Beck if people other than his family live in the garage apartment. He answered that occasionally friends from Venezuela, who are TU students, stay in the room.

Mr. Chappelle informed that the Board has received 13 letters (Exhibit H-1) and a petition (Exhibit H-2) with 25 signatures from neighborhood residents who oppose the garage apartment and the day care home in the area. A letter from Code Enforcement (Exhibit H-3) stated that several complaints had been received concerning the 24 hour operation of a child care nursery and boarding house on the subject property.

Protestants:

Ellsworth Hales, 1307 South Pittsburg, Tulsa, Oklahoma, submitted photographs (Exhibit H-4) and explained that his late father lived on the property at 832 South Jamestown, which he and his sister now own. Mr. Hales pointed out that there are 10 residents in the audience who oppose the day care center. He noted that his mother and father were ill for a long period of time and the traffic at all hours of the night was annoying. Mr. Hales informed that there were many night gatherings at the Beck home and bottles from these gatherings were thrown on his father property. He stated that a 9 year old boy that stays at the Beck home roams the neighborhood unsupervised. Mr. Hales stated that he erected a fence on the rear of his father's lot to hide the clutter on the Beck driveway.

Additional Comments:

Ms. Wilson asked Mr. Jackere if the Board should consider action on a boarding home at this time. Mr. Jackere answered that a single family home is permitted by right to have a sleeping room and 2 boarders.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-1-0 (Chappelle, Clugston, White, Wilson, "aye"; Bradley, "nay"; no "abstentions"; none, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in a Residential District - Use Unit 1205) to allow an existing day care center as a home occupation, under the provisions of 1680; and to **DENY** a **Variance** (Section 208 -

9.12.85:447(15)

Case No. 13733 (continued)

One Single-Family Dwelling Per Lot of Record - Use Unit 1208) to allow an existing garage apartment in an RS zoned district, under the provisions of 1670; finding that the granting of the requests for a day care center and a garage apartment in the RS zoned district would not be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 24, Block 7, Braden Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13734

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in a Residential District - Use Unit 1208 - Request a variance of required parking spaces from 85 to 60, under the provisions of Section 1670.

Variance - Section 430 - Bulk and Area Requirements in a Residential District - Use Unit 1208 - Request a variance of rear yard and side yard variance from 10' to 1' in order to permit a lot split, under the provisions of Section 1670, located on the SW/c of 15th Street and Frisco Avenue.

Presentation:

Letters were received from both the applicant (Exhibit X-1) and an interested party (Exhibit X-2) which requested that Case No. 13734 be continued until October 10, 1985 to allow a TMAPC review.

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. 13734 until October 10, 1985, to allow a TMAPC review.

Case No. 13735

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1202 - Request an exception to allow an existing water treatment plant in an RS-3 zoned district and to allow for expansion under the provisions of Section 1680, located at 3710 East Mohawk Blvd.

Presentation:

The applicant, A. J. Hamlett, 5131 East 29th Street, Tulsa, Oklahoma, who represented the City of Tulsa Water and Sewer Department, submitted a site plan (Exhibit I-1). Mr. Hamlett explained that the department has been at the present site since 1924 and processes approximately 60 percent of the water supply for

Case No. 13735 (continued)

the City. He stated that there have been several additions to the facility through the years and the present construction is to modify the chemical building which was built in 1929.

Protestants: None.

Comments and Questions:

Mr. Gardner informed that the modification would not have required action by the Board prior to 1970 and that this is the first expansion since that date. Mr. Gardner suggested to Mr. Hamlett that if a master plan were approved by the Board it would prevent his returning to the Board each time construction or modification is planned.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, "aye"; no "nays"; no "abstentions"; Wilson, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1202) to allow an existing water treatment plant in an RS-3 zoned district and to allow for expansion under the provisions of Section 1680; on the following described property:

A tract of land lying in the NE/4, SW/4 and the SE/4, NW/4, Section 16, Township 20 North, Range 13 East, of the Indian Base and Meridian Tulsa County, State of Oklahoma described as follows: Beginning at the Northeast corner of said NE/4, SW/4; thence south along the east line of said NE/4, SW/4, a distance of 660.70 feet to the southeast corner of the NE/4, NE/4, SW/4, of said Section 16; thence west along the south line of said NE/4, NE/4, SW/4, a distance of 659.30 feet to the southwest corner of said NE/4, NE/4, SW/4; thence north along the west line of said NE/4, NE/4, SW/4, a distance of 330.35 feet to the southwest corner of the N/2, NW/4, NE/4, SW/4, of said Section 16; thence west along the south line of said N/2, NW/4, NE/4, SW/4, a distance of 634.35 feet to a point, said point being 25.0 feet east of the southwest corner of said N/2, NW/4, NE/4, SW/4; thence north and parallel to the west line of said N/2, NW/4, NE/4, SW/4 a distance of 330.20 feet to the north line of said N/2, NW/4, NE/4, SW/4; thence west along the north line of said N/2, NW/4, NE/4, SW/4, a distance of 25.0 feet to the southwest corner of said SE/4, NW/4; thence north along the west line of said SE/4, NW/4, a distance of 780 feet to a point of intersection with the south splash wall of Lake Yahola Reservoir; thence east southeasterly along said south splash wall to a point on the east line of said SE/4, NW/4; thence south along the east line of said SE/4, NW/4, a distance of 90 feet to the Point of Beginning, containing 34.3 acres more or less.

Case No. 13736

Action Requested:

Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1225 - Request a variance to allow for an existing machine shop in a CS zoned district and to allow for expansion of use, under the provisions of Section 1670, located at 3637 North Lewis.

Presentation:

The applicant, E and R Machine, was represented by Terry Stowe, Area Building Company, 4709 South 83rd East Avenue, Tulsa, Oklahoma, who submitted a plot plan (Exhibit J-1) and photographs (Exhibit J-2). Mr. Stowe stated that the owners of the machine shop at the above stated address are requesting that the Board approve an addition to their existing building. Mr. Stowe pointed out that the building was built on the lot in 1971 and housed a cabinet shop. He stated that in 1978 a variance was acquired for the operation of a cabinet shop on the property and later a garage was in the building. He informed that the present owner, Randy Noonkester, moved into the structure in 1981 and now has a need to expand his shop.

Interested Parties:

James McKenzie stated that he owns property to the east and south of Mr. Noonkester's shop and stated that, in his opinion, the building is an asset to the north side of the City.

Protestants: None.

Comments and Questions:

Ms. Bradley noted that Mr. Noonkester's building is the nicest in the area, but asked Mr. Gardner if the approval might establish a future use that is inappropriate for the area. Ms. Bradley stated that the area is mostly undeveloped and is concerned that the area might develop CS and the machine shop would already be there.

Mr. Gardner pointed out that there are salvage operations to the north and CH zoning to the east of the property in question. He noted that there is a mixture of land use and zoning in the area.

Board Action:

On MOTION of WHITE and SECOND by CLUGSTON, the Board voted 4-1-0; (Chappelle, Clugston, White, Wilson, "aye"; Bradley, "nay"; no "abstentions"; none, "absent") to APPROVE a Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1225) to allow for an existing machine shop in a CS zoned district and to allow for expansion of use, under the provisions of Section 1670; per plot plan submitted; finding a hardship imposed on the applicant by the multiple zoning in the area; on the following described property:

Case No. 13736 (continued)

A tract of land in the SW/4 of the SW/4 of Section 17, Township 20 North, Range 13 East of the Indian Base and Meridian according to the United States Government Survey thereof, and more particularly described as follows:

Beginning at a point 351 feet north of the southwest corner of the said SW/4, SW/4 of said Section 17; thence east 250 feet; thence north 175'; thence west 250'; thence south 175' to the place of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13737

Action Requested:

Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1227 - Request a variance to allow a refuse dump in an IL zoned district under the provisions of Section 1670, located north of the NW/c of Yale and proposed Gilcrease Expressway.

Presentation:

The applicant requested by letter (Exhibit K-1) that Case No. 13737 be withdrawn and application fees refunded.

Protestants:

Edward Shear, 10707 Lennox Lane, Dallas, Texas, informed the Board that he owns 15 acres to the west of the subject property. Mr. Shear stated that the land has been used for a dumping ground for several years and is concerned that a refuse dump would hinder future planned development or sale of his property.

Comments and Questions:

Proper procedure for handling requests for refund of application fees was discussed by Staff. Mr. Jackere suggested that a request for refunding of fees should appear on the agenda.

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. 13737 and request that Code Enforcement check the operation, no later than 6 working days, to see if the operation has ceased.

Case No. 13738

Action Requested:

Special Exception - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request a special exception to allow 48% floor area ratio under the provisions of Section 1680.

Variance - Section 1211.3 - Use Conditions for Offices and Studios - Use Unit 1211 - Request a variance of the screening requirements under the provision of Section 1670.

Case No. 13738 (continued)

Variance - Section 1211.4 - Off-Street Parking and Loading Requirements - Use Unit 1210 - Request a variance of required parking spaces from 14 to 7 under the provisions of Section 1670, located north of the NE/c of 16th Street and Utica.

Presentation:

St. John's Medical Center, was represented by Attorney Kevin Coutant, 1000 Atlas Life Building, Tulsa, Oklahoma, who stated that the property at 1523 South Utica has been used by St. John's Medical Center for auxiliary services in connection with the hospital. He stated that the property has recently been leased to the City of Tulsa to be used for a medical clinic. Mr. Coutant pointed out that some renovation is being done to make the building suitable for the clinic. He asked the Board to waive the screening requirement next to the residential area, to allow a reduction of required parking spaces from 14 to 7 and to allow 48% floor area ratio. Mr. Coutant explained that the alley to the rear of the property is the primary access and a fence would interfere with parking. He pointed out that the basement is unfinished and only used for storage and asked the Board to consider only the floor space on the main floor as usable which would require only 8 parking spaces. Mr. Coutant informed that all of the medical staff would be required to park in the St. John's parking facility.

Protestants: None.

Comments and Questions:

Ms. White asked Mr. Coutant to state the number of employees that would be working at the clinic. He stated that approximately 6 people would staff the clinic.

Ms. White asked if the employees would be required to park 1 1/2 blocks away from their place of employment. James Reed an employee at St. John's Medical Center relayed the information in an affidavit (Exhibit L-1) that the employees are requested to park in the parking garage at 19th Street and Victor.

Mr. Gardner informed that he owns property to the south of the subject lot and has no problem with the intended use, provided that a condition can be made that the employees will be required to park in the parking facility at St. John's.

Mr. Jackere stated that the off-site parking requirement for the facility would be hard to police.

Ms. Wilson asked if stickers will be issued for the employee's cars and Mr. Reed replied that windshield stickers will be issued for the staff.

Case No. 13738 (continued)

Ms. Bradley asked Mr. Reed to explain what kind of medical clinic will be on the subject lot. He answered that the clinic will give pre-employment physicals and handle emergency situations for the City of Tulsa.

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 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211) to allow 48% floor area ratio under the provisions of Section 1680; to APPROVE a Variance (Section 1211.3 - Use Conditions for Offices and Studios - Use Unit 1211) of the screening requirements under the provision of Section 1670; and to APPROVE a Variance (Section 1211.4 - Off-Street Parking and Loading Requirements - Use Unit 1210) of required parking spaces from 14 to 7 under the provisions of Section 1670; subject to employees parking off-site; subject to employees being issued parking stickers which will be permanently affixed to the windshield; subject to the basement being used for storage only; on the following described property:

Lot 11, Block 1, Orcutt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13739

Action Requested:

Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1214 - Request a variance to allow a ceramic shop in an OL zoned district, under the provisions of Section 1670, located east of the SE/c of 21st Street and Braden.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1) and photographs (Exhibit M-2) of a ceramic shop at the above stated location. Mr. Johnsen informed the Board that his client is planning to purchase the subject property and operate a ceramic shop on the premises. He stated that 12 property owners in the neighborhood were notified by mail and only one negative response was received. Mr. Johnsen pointed out that the area is in transition with numerous offices, as well as Sears auto repair, near the subject tract. He pointed out that various types of studios and similar uses are permitted by right in the area. Mr. Johnsen noted that, in his opinion, a ceramic shop is no greater intensity of use than those that are permitted by right. He explained that the shop will not have a sign and there will be no exterior alterations to the house.

Case No. 13739 (continued)

Comments and Questions:

Ms. Bradley asked Mr. Johnsen if the ceramic shop would be classified as a studio. Mr. Johnsen answered that it is very close to that classification and that a hardship is created by the ordinance since the use does not fall comfortably under specific guidelines. He pointed out that his client teaches classes 3 nights each week, instructing a maximum of 14 students to use the equipment and make ceramic articles.

Ms. Wilson asked Mr. Johnsen if sales are involved in the ceramic operation and he replied that there are some sales.

Ms. White inquired if the primary purpose of the operation is sales and Mr. Johnsen stated that his client explained to him that she considers teaching the primary purpose of the business.

Ms. Wilson asked Mr. Johnsen if his client will live in the house and he informed that she lives a few blocks away and would use the property in question for a shop.

Protestants:

Louise McKay, 1752 South Fulton, Tulsa, Oklahoma, stated that she represents older residents that live behind the property in question and are unable to appear before the Board. Ms. McKay stated that the neighborhood was opposed to the light office zoning and are now asking the Board to deny a variance to allow a ceramic shop in the area.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 3-1-0 (Bradley, White, Wilson, "aye"; Chappelle, "nay"; no "abstentions"; Clugston, "absent") to **DENY a Variance** (Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1214) to allow a ceramic shop in an OL zoned district, under the provisions of Section 1670; finding that the use is not compatible with the area; on the following described property:

Lot 4, Block 6, of Block 5 and 6, Gracemont III Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13740

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1214 - Request an exception to allow an office supply store and an office furnishing establishment in an IL zoned district, under the provisions of Section 1680, located east of the SE corner of 60th Street and Garnett.

Case No. 13740 (continued)

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that the property in question is zoned IL and is in a subdivision known as Garnett Park. Mr. Johnsen asked the Board to approve a special exception to allow an office supply store to operate on the subject property. He stated that the Board has previously approved a Burger King and a Texaco station in the area.

Protestants: None.

Comments and Questions:

Mr. Chappelle asked the hours of operation for the business and Mr. Johnsen informed that the hours would be 8 a.m. to 5 p.m., 6 days each week.

Ms. Bradley asked Mr. Johnsen what kind of industry abutts the property in question. He stated that the a restaurant is to the west and the lots to the east are vacant.

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 **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1214) to allow an office supply store and an office furnishings establishment in an IL zoned district, under the provisions of Section 1680; finding that the granting of the special exception would be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 18 through 21, Block 1, 6000 Garnett Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13742

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in a Residential District - Use Unit 1206 - Request a variance of the lot width from 60' to 50' to allow for nonconforming use, under the provisions of Section 1670.

Variance - Section 240.2 - Permitted yard obstructions - Use Unit 1206 - Request a variance of size of detached accessory building from 750 sq. ft. to 912 sq. ft. and that the building be allowed in the side yard, under the provisions of Section 1670.

Variance - Section 430 - Bulk and Area Requirements in a Residential District - Use Unit 1206 - Request a variance of setback from the east of Brady Street from 50' to 46' and from the east of Vancouver Street from 50' to 40' to allow for accessory building, under the provisions of Section 1670, located on the SW/c of Brady Street and Vancouver Avenue.

Case No. 13742 (continued)

Presentation:

The applicant, Steve Farmer, 605 West 26th Street, Sand Springs, Oklahoma, submitted a plat plan (Exhibit N-1) for a two-story garage. The applicant stated that he is building the garage to store his cars, boat and motorcycle.

Protestants: None.

Comments and Questions:

Ms. White asked the applicant if he plans to use the garage for commercial activity and he stated that it would be used only for personal storage.

There was discussion as to the size of the garage and the fact that there would be 2 dwelling units on the lot.

Mr. Gardner informed that the applicant would need setback relief if a 750 sq. ft. garage, which is allowed by right, was constructed on the property.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **STRIKE** a **Variance** (Section 430 - Bulk and Area Requirements in a Residential District - Use Unit 1206) of the lot width from 60' to 50' to allow for nonconforming use, under the provisions of Section 1670; to **DENY** a **Variance** (Section 240.2 - Permitted yard obstructions - Use Unit 1206) of size of detached accessory building from 750 sq. ft. to 912 sq. ft. and **APPROVE** that the building be allowed in the side yard, under the provisions of Section 1670; and to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in a Residential District - Use Unit 1206) of setbacks from the east of Brady Street from 50' to 46' and from the east of Vancouver Street from 50' to 40' to allow for accessory building, under the provisions of Section 1670; finding a hardship imposed on the applicant by the corner lot and setbacks from both Brady Street and Vancouver Avenue; on the following described property:

Lot 1, Block 23, Irving Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13743

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of side yard setback from 5' to 4.4' to allow for existing nonconforming use, and a variance of the lot width from 60' to 50' to allow for nonconforming use, under the provisions of Section 1670, located on the SW/c of 34th Street and Quincy.

Case No. 13743 (continued)

Presentation:

The applicant, Don Myers, informed that he is not in need of the relief requested.

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 STRIKE Case No. 13743; finding that the applicant does not need the relief requested.

OTHER BUSINESS

Case No. 12290

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Request to use property in the CS district for multifamily dwellings, Use Unit 8, in accordance with the bulk and area requirements of the RM-2 district and development standards and site plan approved by the Board of Adjustment.

Presentation:

Lou Reynolds, 909 Kennedy Building, Tulsa, Oklahoma, submitted development standards for Phase 2 (Exhibit 0-1) for Eaton Square. He explained that Phase 1 has been completed. Mr. Reynolds requested that construction of Phase 2, which has been previously approved for a 3 year period on Dec. 16, 1982, be extended for another 3 years to allow completion of the project. He noted that the first phase of construction included 448 dwelling units and the second phase will have a total of 554 units, which are located at 61st Street and Memorial. Mr. Reynolds stated that construction was delayed for approximately 1 year after some of the units were destroyed by fire.

Protestants: None.

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 8) to use property in the CS district for multifamily dwellings in accordance with the bulk and area requirements of the RM-2 district and development standards and site plan approved by the Board of Adjustment; on the following described property:

Phase II

Being a tract of land situated in Section 36, T-19-N, R-13-E, Memorial South Center, an addition to the City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows:

Case No. 12290 (continued)

Commencing at the Southwest corner of Block 1, of Memorial South Center, said corner being the northeast corner of the intersection of East 61st Street South with South Memorial Drive; Thence S $89^{\circ}59'55''$ E, 1124.27 feet to the Place of Beginning;

Thence, from the Place of Beginning, N $00^{\circ}00'05''$: E for 49.62 feet to the beginning of a curve to the right having a radius of 300.00 feet, a central angle of $37^{\circ}00'00''$, and a tangent length of 100.38 feet;

Thence in a northeasterly direction on a curve to the right for 193.73 feet to the end of said curve;

Thence N $37^{\circ}00'05''$ E for 78.72 feet to the beginning of a curve to the left having a radius of 250.00 feet, a central angle of $49^{\circ}30'13''$, and a tangent length of 115.26 feet;

Thence in a northeasterly direction on a curve to the left for 216.00 feet to the end of said curve;

Thence N $12^{\circ}30'08''$ W for 166.92 feet to the beginning of a curve to the left having a radius of 250.00 feet, a central angle of $21^{\circ}23'15''$, and a tangent length of 47.21 feet;

Thence in a northwesterly direction on a curve to the left for 93.32 feet to the end of said curve;

Thence N $26^{\circ}00'00''$ E for 243.22 feet to an angle point;

Thence N $73^{\circ}00'00''$ E for 195.00 feet to a point for corner;

Thence N $00^{\circ}00'08''$ W for 250.00 feet to a point on the north line of said Block 1 of Memorial South Center;

Thence N $89^{\circ}59'52''$ E along the northerly line of Block 1 for 421.94 feet to the northeast corner of Block 1;

Thence S $00^{\circ}08'45''$ E along the easterly line of Block 1 for 1271.51 feet to the southeast corner of Block 1;

Thence N $89^{\circ}59'55''$ W along the southerly line of Block 1 for 797.80 feet to the Place of Beginning and containing 18.484 acres of land, more or less.

There being no further business, the meeting was adjourned at 5:17 p.m.

Date Approved 9.26.85


Chairman

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