

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 448  
Thursday, September 26, 1985, 1:00 p.m.  
City Commission Room, Plaza Level  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Chappelle, Chairman	Bradley Clugston	Jones Moore	Jackere, Legal Department
White			Hubbard, Protective Inspections
Wilson			Noe, Code Enforcement

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 24, 1985, at 11:45 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 1:04 p.m.

**MINUTES:**

Ms. Wilson pointed out that there are 2 errors for correction in the September 12, 1985 minutes. She noted that in Case No. 13184 the second was made by her instead of Ms. White, and that the vote for Case No. 13735 should have read 4-0-0, instead of 4-1-0 as the minutes reflected. On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE Minutes of September 12, 1985 as corrected.

**UNFINISHED BUSINESS**

**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, Louis Bevens, was represented by his wife, Belinda Bevens, Box 307-L, Route 4, Broken Arrow, Oklahoma, who asked the Board to allow the storage of farming equipment on the subject property. She noted that a board fence has been constructed around the parking area which conceals a dump truck, trailer and loader. Ms. Bevens stated that the equipment operators are only there about 15 minutes in the morning and evening when they pick up the equipment and return it to the lot.

9.26.85:448(1)

Case No. 13716 (continued)

Comments and Questions:

Ms. Wilson asked the applicant to address the hardship in this case and Ms. Bevens stated that she and her husband thought the lot was going to be zoned Industrial when they purchased the property.

Ms. White asked if the property was zoned RS-3 when the property was acquired and Ms. Bevens answered in the affirmative.

Ms. Bevens informed that some of the retired people in the area have complained that the noise created by the removal of the equipment in the morning disturbs their sleep, but that the majority of the people in the area do not object to the storage lot.

Ms. Wilson asked Ms. Bevens how long she has owned the property and she replied that the lot was purchased in February of this year and that there are industrial and commercial uses in the area.

Mr. Chappelle asked the applicant what kind of businesses are located near her lot. Ms. Bevens stated that a typewriter shop is on the corner and a distribution house for nuts and bolts on Garnett.

Mr. Chappelle submitted a letter from Code Enforcement (Exhibit A-1) stating that they have received a number of complaints concerning the storage lot. A petition (Exhibit A-2) signed by 10 area residents who oppose equipment storage in the neighborhood was submitted to the Board.

Protestants:

Joe Wells, 11356 East Newton Place, Tulsa, Oklahoma, stated that he lives next door to the storage lot and is opposed to the noise and activity during the day. He pointed out that the lot is covered with gravel which causes a drainage problem. Mr. Wells informed that Ms. Bevens' lots are 9 and 10 and not 8 and 9 as the agenda reflects.

Mr. Chappelle asked Mr. Wells if a business is being conducted on the subject tract. Mr. Wells replied that he believes the house and garage on the property is used as a warehouse and is not aware of a business being conducted on the property.

William Mulligan, 11423 East Newton Place, Tulsa, Oklahoma, stated that he has lived in the neighborhood for 29 years and is concerned that the large equipment will deteriorate the newly constructed street.

Applicant's Rebuttal:

Ms. Bevens pointed out that the lot has been upgraded, the equipment is behind the fence, and asked that she be allowed to continue to use the space for parking and storage. She informed that she and

Case No. 13716 (continued)

her husband want to be good neighbors and attempt to keep the operation as quiet as possible.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to DENY a Use Variance (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1225) to permit storage of construction equipment in an RS-3 zoned district; finding that the granting of the request would be detrimental to the neighborhood and would not be in harmony with the Code and the Comprehensive Plan; on the following described property:

Lots 9 and 10, Block 2, Modern Acre, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Ms. Bevens asked the Board to state the amount of time allowed to remove the equipment. Mr. Jackere informed the applicant that she should have the equipment removed from the subject tract in a reasonable length of time, usually 10 to 15 days.

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 Stokely, 8921 South 70th East Avenue, Tulsa, Oklahoma, stated that he would like to submit to the Board two letters (Exhibit B-1), one from Tulsa Airport Authority and one from FAA, which inform that the subject tract is a safe location for a heliport. Mr. Stokely submitted a petition (Exhibit B-2) signed by 42 interested Alsuma residents who support the location of the heliport in their area. The applicant pointed out that he will provide 82 parking spaces for the restaurant which will accommodate approximately 45 to 50 people.

Comments and Questions:

Mr. Chappelle asked the applicant if he is asking for a sign variance and Mr. Stokely stated that he is not asking for additional signage at this time and that request was withdrawn at the last meeting.

Case No. 13717 (continued)

Mr. Chappelle requested that the applicant state the number of landings that would be made each day. Mr. Stokely replied that he would anticipate no more than 5 landings per day.

Protestants:

Larry Gass, 1409 South Main, Tulsa, Oklahoma, stated that, in his opinion, the proposed location is a good landing site. Mr. Gass pointed out that heliport matters should not be decided by the Board of Adjustment, but by a group that is totally familiar with the operation of heliports. He suggested that a determination should be made as to the public, private or personal use of the heliport in question.

Allen Kraft, 4500 South 102nd East Avenue, Tulsa, Oklahoma, stated that he owns Kraftours, which is located next door to the proposed heliport, and stated a concern about the safety of the operation. Mr. Kraft suggested that safety guidelines and restrictions should be stipulated if the heliport is approved.

Ms. White asked Mr. Kraft what hours his business is in operation. He informed that his offices are open from 8 a.m. to 5 p.m., but buses go in and out 24 hours each day, 7 days each week.

Ms. Wilson asked Mr. Kraft if he has discussed the issue with any of his neighbors. Mr. Kraft replied that he has been out of the city for the past 3 weeks and has not had an opportunity to discuss the heliport with the property owners in the area.

Ms. Wilson asked Ms. Noe how many residences are in the area and how close they are to the property in question. Ms. Noe answered that there are no residences for 100's of feet, and that this case is clearly distinguishable from past cases.

Applicant's Rebuttal:

Mr. Stokely stated that Mr. Kraft's neighbors have signed the petition requesting approval of the heliport. He submitted a photograph (Exhibit B-3) of a large fuel tank which, he informed, is located on Mr. Kraft's property, approximately 20' from the street and 45' from Mr. Kraft's front door. Mr. Stokely suggested that, if the tank were ignited, it could blow up his business.

Ms. Wilson asked Mr. Stokely to state the purpose of the proposed business. The applicant informed that he intends to invest a large sum of money and plans to have a successful business. Mr. Stokely stated that he intends to lease his helicopter, use it for charter service and for radio purposes.

Additional Comments:

Mr. Jones pointed out that the Board should consider the land use and determine if it is appropriate for the area. He suggested that,

Case No. 13717 (continued)

If safety is a concern, and the Board is inclined to approve the land use, BOA approval could be made subject to the approval of other outside agencies that deal with safety regulations of heliports.

The Board discussed the Interpretation of private use.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1202/12) to permit a heliport and restaurant in an IL zoned district; and to WITHDRAW a Variance (Section 1221.7 - Use Conditions for Outdoor Advertising Signs) 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; per plot plan; subject to a Building Permit and Fire Marshall approval; subject to FAA and Tulsa Airport Authority approval; subject to the heliport in question being used for private use only (per FFA definition) for the applicant and his clients and no commercial use; finding that the granting of the special exception will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

A part of Lots 1 and 2, Block 1, Ideal Brick Industrial Tracts, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and an unplatted tract lying between said Lots 1 and 2, and 11 being more particularly described as follows, to-wit: Commencing at the southwest corner of Lot 1, Block 1, Ideal Brick Industrial Tracts, according to the recorded plat thereof; thence N 89°53'07" E a distance of 176.00 feet; thence N 0°10'07" E a distance of 60.00 feet to a point, said point being on the north right-of-way line of East 45th Place South; thence N 89°53'07" E a distance of 225.86 feet to the Point of Beginning; thence N 00°06'53" W a distance of 343.29 feet to a point on the south right-of-way line of the Broken Arrow Expressway (Oklahoma Highway 51); thence S 51°55'00" E, along said southerly right of way line a distance of 166.24 feet to a point; thence S 22°25'32" E along said right-of-way line a distance of 259.95 feet to a point on the north right-of-way line of East 45th Place South; thence S 89°53'07" W along said right-of-way line a distance of 229.33 feet to the Point of Beginning, and containing 50,000.27 square feet, or 1.1479 acres, more or less.

Case No. 13523

Action Requested:

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.

Case No. 13523 (continued)

Presentation:

The applicant, Ronald Ray, requested by letter (Exhibit X-1) that Case No. 13523 be continued to December 19, 1985.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to CONTINUE a Case No. 13523 until December 19, 1985.

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 SW/c of 11th Street and 101st East Avenue.

Presentation:

The applicant, Lorene Taylor, was not present. Mr. Jones stated that the applicant was granted a continuance at the last meeting in order that she might consider various uses for her lot. He stated that she has not contacted staff and apparently has no proposed use for her property.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to STRIKE Case No. 13727.

NEW APPLICATIONS

Case No. 13741

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request a special exception to allow a duplex in an RS-3 zoned district, under the provisions of Section 1680, located at 2216 North Xanthus.

Presentation:

The applicant, Luthie McCallister, 216 North Xanthus, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-1) and explained that she would like permission to join two houses with a 20' breezeway. The applicant stated that her husband is ill and since they live in both

Case No. 13741 (continued)

houses, with the bedrooms in one house, she has to go outside to get to these rooms.

Comments and Questions:

Ms. Wilson asked if there other duplexes in the area and the applicant replied that there are none that she knows about.

Ms. White asked Ms. McCormick if the request is temporary and she informed that she wanted the breezeway to remain permanently.

Mr. Jones asked Mr. Jackere if a tie contract would be required on the two lots in question. Mr. Jackere informed that the two lots would be physically tied together by the breezeway and a tie contract would not be necessary.

Mr. Jackere stated that the Board has the power to deny the application and determine that this is not a duplex, but rather two single family dwellings connected by a breezeway.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207) to allow a duplex in an RS-3 zoned district, under the provisions of Section 1680; but **INTERPRET** the request as being, not a duplex, but rather a breezeway connecting two single family dwellings; on the following described property:

Lots 30 and 31, Block 12, Roberts Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13744

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in the Office District - Use Unit 1205 - Request a variance of the floor area ratio from 30% to 77% and a variance of the height restriction from 1 story to 2 stories to allow for an addition to an existing church under the provisions of Section 1670.

Variance - Section 241(c) - Existing Building encroachment on Front Yards or Building Setbacks - Use Unit 1205 - Request a variance of the setback from the east of Sheridan Avenue from 78' to 73' to allow for church use, under the provisions of Section 1670, located at 1313 North Sheridan.

Presentation:

The applicant, Mike Martin, 202 West 8th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) and photographs (Exhibit D-2) of

Case No. 13744 (continued)

a proposed addition to the North Sheridan Church of Christ. Mr. Martin explained that the church is planning the removal of an existing 1 story building which is located between 2 other buildings on the tract. He stated that a new educational facility will replace the demolished portion and will line up with the existing sanctuary which is 5' over the setback on Sheridan Avenue. Mr. Martin noted that the church across the street from the subject property is also encroaching on the setback. Mr. Martin noted that a hardship is imposed by the 3 different zonings on the church property.

Comments and Questions:

Ms. Wilson asked Ms. Hubbard if the church site has adequate parking and Ms. Hubbard replied that there is ample parking on the lot.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a **Variance** (Section 630 - Bulk and Area Requirements in the Office District - Use Unit 1205) of the floor area ratio from 30% to 77% and a variance of the height restriction from 1 story to 2 stories to allow for an addition to an existing church under the provisions of Section 1670; and to APPROVE a **Variance** (Section 241(c) - Existing Building encroachment on Front Yards or Building Setbacks - Use Unit 1205) of the setback from the east of Sheridan Avenue from 78' to 73' to allow for church use, under the provisions of Section 1670; per plot plan; finding a hardship imposed on the applicant by multiple zoning on the tract; on the following described property:

Lots 1 - 4, Block 8, St. Peter and Paul Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13745

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1205 - Request an exception to allow stadium seating and lighting for an existing football field in an RS-2 zoned district.

Variance - Section 1340(d) - Design Standards for Off-Street Parking Areas - Request a variance of the required all weather for parking, located on the northeast corner of 63rd Street and Utica Place.

Presentation:

The applicants, Joe Coleman and Bruce Ervin, 610 South Main, Tulsa, Oklahoma, represented Metro Christian School which is constructed on a 40 acre tract at the above stated location. Mr. Ervin submitted a plot plan (Exhibit E-1) and a packet (Exhibit E-2) containing



Case No. 13745 (continued)

Information on parking, lighting and seating for the existing football field. He explained to the Board that the school has been working with the Hydrology Department and has approval from that office. He explained that the drainage from the parking lot has been directed south to a new storm sewer that the city has constructed. Mr. Ervin noted that the school has concrete parking spaces for 520 automobiles and asked the Board to permit 213 cars to park on the grass during ballgames played on the home field. He pointed out that the school only has 3 home games during the ball season. The applicant asked permission for installation of stadium seating and lighting for the field.

Comments and Questions:

Mr. Chappelle asked Mr. Ervin what effect the lighting would have on the residential neighborhood. He informed that the lighting has been placed as far away as possible from the nearby residences and they would receive a minimal amount of light from the field.

Interested Parties:

Carla Campbell, 6239 South Victor, Tulsa, Oklahoma, stated that she is a member of the Southern Hills View Neighborhood Association. She pointed out that the neighborhood is pleased to have the school in the area and have not experienced any adverse affects by its presence. Ms. Campbell stated that there was no overflow parking in the neighborhood during the ballgame.

Ms. Wilson asked Ms. Campbell when the lights were turned off after the game. She informed that 1/2 of the lights were turned off immediately after the game and the other 1/2 were off approximately 30 minutes after the game ended.

Mr. Jackere informed that the Code is written to permit customary accessory uses in association with the principal use; therefore, the school does not need relief for the football field, stadium or lighting for the stadium. Mr. Jackere asked if people were encouraged to park on the paved parking first and then the grassy area used for the overflow.

Rod Goodsell, 8715 South 68th East Avenue, Tulsa, Oklahoma, who is Superintendent of Metro School, stated that security officers were present to direct traffic to the paved lot first and only had 8 cars parked on the grass area.

Ms. Wilson asked why the variance is needed if there was only an overflow of 8 cars. Mr. Ervin stated that seating on the east side of the stadium is not complete and the stadium will have a capacity of 3,000 when completed.

Ms. Wilson stated that she is opposed to parking on the grass and feels that the school should provide proper parking surface for the automobiles.

Case No. 13745 (continued)

Mr. Jackere pointed out that the purpose of the Code is to prevent dust, mud, etc., created by gravel or dirt parking lots, from being a problem in the area.

Protestants: None.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In the Residential Districts - Use Unit 1205) to allow stadium seating and lighting for an existing football field in an RS-2 zoned district; and to **APPROVE** a **Variance** (Section 1340(d) - Design Standards for Off-Street Parking Areas) of the required all weather for parking; per plot plan; subject to the grassy area being used only for overflow parking during the games; finding that the minimal parking on the grassy portion of the tract will not create a dust problem for the residential neighborhood; and finding that the parking lot is an accessory to the principal use; on the following described property:

Part of the SE/4 of the NW/4 of Section 6, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows: Beginning at the NE/c of the said SE/4 of the NW/4; thence south 89°45' west a distance of 1319.6 feet to a point, said point also being the SW/c of Valley View Center Addition to the City of Tulsa; thence south 0°13' east a distance of 847.2 feet to a point thence north 89°44' east a distance of 100 feet; thence south 0°13' east a distance of 50 feet; thence south 89°44' west a distance of 100 feet; thence south 0°13' east a distance of 325 feet; thence north 89°44' east a distance of 100 feet; thence south 0°13' east a distance of 100 feet; thence north 89°44' east a distance of 225 feet; thence north 0°13' west a distance of 100 feet; thence north 89°44' east a distance of 150 feet; thence south 0°13' east a distance of 100 feet; thence north 89°44' east a distance of 844.6 feet to the SE/c of said SE/4 of the NW/4; thence north 0°13' west a distance of 1321.8 feet to the point of beginning.

Case No. 13746

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In the Residential Districts - Use Unit 1211 - Request a use variance to allow a Use Unit 11, accounting and tax preparation office in an RS-1 district.

Case No. 13746 (continued)

Variance - Section 1211.3 - Use Conditions - Request a variance of the required screening of an abutting R district, located east of the NE/c of 71st Street and Lewis Avenue.

Presentation:

The applicant, C. S. Lewis, 1500 Bank of Oklahoma Building, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) and photographs (Exhibit F-2) and stated that he is representing Richard Gardner who is the owner of the property in question. Mr. Lewis pointed out that he is asking the Board to allow Mr. Gardner to use the house located on the property for a tax preparation and accounting office. The applicant stated that this house is one of 2 houses in the immediate area that fronts 71st Street and now has a very tiny front yard since the widening of that street to 6 lanes. Mr. Lewis pointed out that this raises a question as to the suitability of this property for a quality single family dwelling in the future. He informed that representatives of the Williamsburg Homeowners Association have worked out a workable solution for this property on the 6 lane arterial. Mr. Lewis submitted a list of recommendations from the association and a petition of support (Exhibit F-3) for the tax office. The association recommended that the residential character of the house be retained, that the office use be limited to accounting and tax purposes only, that a future add on of 1,000 sq. ft. be permitted, that no retail sales be permitted, only one small permanent sign be constructed, that there be no parking on the rear of the property and that the ravine on the rear of the property be maintained. Mr. Lewis suggested that the required screening be waived. He further noted that there is a church and offices across the street from the subject tract.

Comments and Questions:

Mr. Chappelle asked Mr. Lewis where the clients would park and he replied that there is adequate parking on the existing driveway for the clients and the 4 employees.

Ms. Wilson asked Mr. Lewis if he is aware that there is a home, for sale to the south of the subject tract, also facing 71st Street. The applicant stated that he did not know of this home for sale.

Interested Parties:

Ted Blackwell, 2528 East 69th Street, Tulsa, Oklahoma, informed the Board that out of the 30 homeowners notified, he contacted 26, and 25 of these were in favor of the tax office. He asked the Board to approve the request and maintain the residential integrity of the neighborhood.

Ms. Wilson asked Mr. Blackwell why the association feels the need to support the location of the tax office. He answered that the association would like to have something in the house that could be controlled. He expressed a concern with water if a large office

Case No. 13746 (continued)

building should be placed on the site and leveling done toward the ravine.

Ms. Wilson asked Mr. Blackwell if someone has wanted to do something with the property that is objectionable. Mr. Blackwell answered in the affirmative and pointed out that he has been told that a PUD could possibly be approved. He noted that, with restrictions, the homeowners could have more control of the situation with a tax office on the property.

Dr. Frank Manning, 2529 East 70th Street, Tulsa, Oklahoma, stated that he is in support of the tax preparation office on the subject tract. He pointed out that he purchased his present home because of the rustic environment surrounding the ravine and would like to have it preserved.

Protestants:

Ed Hurst, 7010 South Atlanta, Tulsa, Oklahoma, stated that he lives in the first house east of Mazzio's Pizza and is concerned that the impression has been left that the entire Williamsburg Addition is in support of this issue, which in his opinion, is erroneous. Mr. Hurst pointed out that he believes that the granting of this variance would lead to the location of other businesses in the residential district.

Mr. Chappelle asked if there are other lots on 71st Street that are as large as the lot in question and Mr. Hurst replied that he is not sure if there are other lots that are 1 1/4 acres.

Ms. Wilson asked Mr. Hurst how much of his property was taken when 71st Street was widened. He replied that he lost 10 feet of his lot and intends to continue to live there. Mr. Hurst pointed out that, as construed by the Supreme Court, the Board should find that the zoning creates an unnecessary hardship, that such a hardship is peculiar to this property only and that the variance granted will not impair the purpose and intent of the zoning.

Barbara Howton, 6948 South Evanston, Tulsa, Oklahoma, stated that she is a member of the 71st Street Homeowners Association and feels that if one variance is granted, others will follow.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 2-1-0 (White, Wilson, "aye"; Chappelle, "nay"; no "abstentions"; Bradley, Clugston "absent") to DENY a Use Variance (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1211) to allow a Use Unit 11, accounting and tax preparation office in an RS-1 district; and to DENY a Variance (Section 1211.3 - Use Conditions) of the required screening of an abutting R district; finding that the granting of the variance would not be in harmony with the spirit and

Case No. 13746 (continued)

Intent of the Code and the Comprehensive Plan; on the following described property:

A tract of land beginning at the SE/c of the SE/4 of the SW/4 of the SW/4 of Section 5, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; thence north on the east boundary of said SW/4 of the SW/4, 396' to a point; thence west 150.58' to a point; thence south 396' to a point on the south boundary of said Section 5; thence east 150.65' to the Point of Beginning, except the south 30' of said tract for Public Roadway Easement.

Case No. 13747

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a varinace to permit a pole sign 29' from the centerline of Main Street, under the provisions of Section 1670, located at 1638 South Main Street.

Presentation:

The applicant, A-Max Signs, was represented by Carl Mark, 2121 South Yorktown, Tulsa, Oklahoma, who is the owner of the property. A sign plan (Exhibit G-1) and photographs (Exhibit G-2) were submitted. Mr. Mark informed that the sign in question was in place when he purchased the property. He said the building was remodeled and the upper portion of the sign was changed. Mr. Mark stated that a portion of the sign protrudes into the city right-of-way and he has been asked to move it. He asked the Board to allow the sign to remain in its present position.

Comments and Questions:

Ms. Wilson asked Mr. Mark if the Mid-Town Insurance Company is in his building and he answered in the affirmative.

Ms. Wilson asked the applicant why the sign can not be located on the roof and Mr. Mark informed that the roof will not support the sign.

Casper Jones, 1302 South Fulton, Tulsa, Oklahoma, informed that the sign overhangs the right-of-way 1 foot.

Mr. Mark informed that the smaller attached insurance sign appears to be overhanging and agreed to remove or replace this portion of the sign. He stated that he would sign a removal contract, agreeing to remove the sign in the event the right-of-way was needed in the future.

Ken Bode, Sign Inspector, informed that there were 2 permits issued for the 2 elements on the sign structure, both at a 40' setback. He stated that the sign would not be visible if it were moved back. Mr. Bode stated that the signs were improperly placed on a pre-existing older pole.

Case No. 13747 (continued)

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Variance (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) to permit a pole sign 29' from the centerline of Main Street, under the provisions of Section 1670; subject to TMAPC approval of Removal Contract; subject to approval of the sign placement by the Sign Inspector; finding a hardship imposed on the applicant by the older area and other signs that encroach on the street right-of-way; on the following described property:

Lot 5, Block 2, Harbour Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13748

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a variance to permit a pole sign 46' from the centerline of 33rd West Avenue, under the provisions of Section 1670, located on the NW/c of 45th Street and 33rd West Avenue.

Presentation:

The applicant, A-Max Signs, was represented by Casper Jones, 1302 South Fulton, Tulsa, Oklahoma, who submitted a sign plan (Exhibit H-1)

a plat of survey (Exhibit H-2) and photographs (Exhibit H-3). Mr. Jones asked the Board to approve an existing sign to remain 46' from the centerline of 33rd West Avenue.

Comments and Questions:

Mr. Bode, Sign Inspector, informed that the Scooter's sign was set 46' from 33rd West Avenue and 26' from the centerline of 45th Street, instead of 50' and 30' as the permit read. He pointed out that the optometry sign was attached without permission.

Mr. Jackere asked if there are other signs in the area that encroach on the street setback. Mr. Jones stated that the Bank of Oklahoma appears to be close to the street.

Ms. Wilson asked Mr. Jones to address the hardship in this case and he informed that a pole was used that was already in place.

Ms. Wilson stated that she viewed the area and that several signs appeared to be close to the street.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions";

Case No. 13748 (continued)

Bradley, Clugston "absent") to CONTINUE Case No. 13748 until October 10, 1985 to allow the applicant to review other signs in the area and their proximity to the street.

Case No. 13749

Action Requested:

Variance - Section 620.2(d) - Accessory Use Conditions - Use Unit 1221 - Request a variance to permit a 32 sq. ft. sign on a building, under the provision of Section 1670, located at 7125 South Braden.

Presentation:

The applicant, A-Max Signs, was represented by Casper Jones, 1302 South Fulton, Tulsa, Oklahoma, who submitted a sign plan (Exhibit 1-1). Mr. Jones asked the Board to permit the placement of a 32 sq. ft. sign on the front of an Insurance office at the above stated address. He explained that there is an existing pole sign on the north portion of the property at this time.

Comments and Questions:

Mr. Jackere asked how many sq. ft. of signage is on the property and Mr. Jones stated that there is 32 sq. ft. at this time and the applicant is asking for 32 sq. ft. of additional sign space. He explained that there is a State Farm Insurance Company and Robert Bates Insurance Company in the building and the Bates Company does not have an Identification sign.

Mr. Jackere asked Mr. Jones if the sign could be altered to accommodate both Insurance companies. Mr. Jones replied that he assumed that the sign belongs to the State Farm Company.

Ken Bode, Sign Inspector, informed that this is typical case where the tenants that are already located in a complex have used the allowed signage. He stated that the Sign Committee has addressed this issue and have proposed a new formula.

Mr. Jackere informed that the complex would only be allowed 1 sign under the new Code and the tenants should share this sign.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to DENY a Variance (Section 620.2(d) - Accessory Use Conditions - Use Unit 1221) to permit a 32 sq. ft. sign on a building, under the provision of Section 1670; finding that the existing sign is larger than the Code allows for the complex; on the following described property:

Lot 2, Block 2, Nob Hill Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13750

Action Requested:

Variance - Section 420.2(d)2 - Signs In the Residential Districts - Use Unit 1205 - Request a variance to permit a 5' by 10' double face sign in an RS-3 zoned district, located at 12124 East 31st Street.

Presentation:

The applicant, A-Max Signs, was represented by Casper Jones, 1302 South Fulton, Tulsa, Oklahoma, who submitted a sign plan (Exhibit J-1). Mr. Jones explained that the St. Matthews United Methodist Church has a tract of ground that has 343' frontage by 633' and would like the Board to approve a 5' by 10' identification sign with a 3' by 6' bulletin board sign underneath. He pointed out that the sign is in place at this time.

Comments and Questions:

Mr. Jackere informed that the church would be permitted to have both signs under the new ordinance which will be in effect in 2 weeks.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Variance (Section 420.2(d)2 - Signs In the Residential Districts - Use Unit 1205) to permit a 5' by 10' double face sign in an RS-3 zoned district; finding that the applicant will not need the relief under the new Sign Ordinance; on the following described property:

A tract of land in the NE/4 of the NW/4, of the NE/4, of Section 20, Township 19 North, Range 14 East of the Indian Base and Meridian, in Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows:

The north 300' of the following described property:

Beginning at a point 1329.82' west of the NE/c of Section 20, Township 19 North, Range 14 East, said point also being 10.64' West of the NE/c, of the NE/4, NW/4, NE/4, of said Section 20; thence south and parallel to the west line of said Section 20, a distance of 633.06' to a point; thence west a distance of 343.60' to a point; thence north and parallel to the west line of Section 20, a distance of 634.88' to a point on the north line of Section 20; thence south 89°41'45" east a distance of 343.60' to the point of beginning.



Case No. 13751

Action Requested:

Use Variance - Section 410 - Permitted Uses In the Residential Districts - Use Unit - Request a use variance to allow a Use Unit 15, carpentry shop in an RM-1 zoned district, located on the NW/c of King and St. Louis.

Presentation:

The applicant, Steven Berg, 1717 East 15th Street, Tulsa, Oklahoma, represented Harry Wallace, 2973 East 77th Street South, Tulsa, Oklahoma. The applicant stated that Mr. Wallace is in the construction business and is renovating properties in the area. Mr. Berg pointed out that Mr. Wallace would like to purchase the subject property in order to have a place to store his building supplies and do some assembly of them inside. Mr. Berg stated that the present owner has operated a grocery at this location for many years. He pointed out that the building is not appropriate for a single family dwelling since it is very close to the street, has no windows on the north and has a flat roof. An affidavit stating selling conditions (Exhibit K-1) and photographs (Exhibit K-2) were submitted.

Comments and Questions:

Ms. White asked the applicant if there would be outside storage, and that the hours of operations be stated. Mr. Berg informed that there would not be storage of materials outside the building and that Mr. Wallace would work during the daylight hours, probably from 7 a.m. to 8 p.m.

Mr. Jackere pointed out that the use is not non-conforming since a carpentry shop is not in the same Use Unit as a grocery store. He noted that power saws are very noisy and may cause a problem for the nearby residents.

Ms. White asked how far the shop would be from the nearest home and Mr. Berg informed that the closest house is approximately 60' away.

Mr. Berg reiterated that the main use would be storage with a minimal amount of sawing in the building.

Ms. White asked if Mr. Wallace would consider operating hours of 8 a.m. to 5 p.m.. Mr. Wallace pointed out that he has a shop at another location and would agree to the hours of operation stated by Ms. White.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Use Variance (Section 410 - Permitted Uses In the Residential Districts - Use Unit) to allow a Use Unit 15, carpentry shop in an RM-1 zoned district; subject to power tools being used only between the hours of 8 a.m. and 5 p.m.; subject to no outside storage; finding that the structure and the location of the building would prohibit its use as a single family dwelling; on the following described property:

Case No. 13751 (continued)

Lots 12 and 13, Block 2, Crutchfield Addition, City of Tulsa,  
Tulsa County, Oklahoma

Case No. 13752

Action Requested:

Special Exception - Section 440.2 - Special Exception Uses in the Residential Districts - Use Unit 1206 - Request a special exception to allow a home occupation (mail order business) in an RS-3 zoned district, located at 1135 East 49th Place.

Presentation:

The applicant, Betty Zabel, 1135 East 49th Place, Tulsa, Oklahoma, asked the Board to allow her to continue the mailing of arts and crafts books from her home. She informed that her business will not have a sign and that she can meet all of the Home Occupation Guidelines.

Comments and Questions:

Mr. Chappelle asked Ms. Zabel if she has employees in her business and she replied that she does not have employees.

Ms. Wilson asked Ms. Zabel if she resides in the house where the business is conducted and she answered in the affirmative.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Special Exception (Section 440.2 - Special Exception Uses in the Residential Districts - Use Unit 1206) to allow a home occupation (mail order business) in an RS-3 zoned district; per Home Occupation Guidelines; finding that the granting of the special exception will not be detrimental to the neighborhood and that the mail order business does not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 11, Block 15, Riverview Village Addition, City of Tulsa,  
Tulsa County, Oklahoma.

Case No. 13753

Action Requested:

Special Exception - Section 440 - Special Exception - Uses in Residential Districts - Use Unit 1215 - Request an exception for a home occupation to allow a sign shop and servicing in an RS-3 zoned district, under the provisions of Section 1680, located west of the NW/c of 13th Place and Xanthus.

Case No. 13753 (continued)

Presentation:

The applicant, James Pearson, 1943 East 13th Place South, Tulsa, Oklahoma, stated that he is nearing retirement age and would like to sell his shop at another location and have a sign shop in his garage at the above stated address.

Comments and Questions:

Mr. Chappelle asked the applicant if he has a copy of the Home Occupation Guidelines. Mr. Pearson replied that he was not sure and was given a copy of the guidelines.

Ms. Wilson asked the applicant how long he has resided at the present address. Mr. Pearson informed that he has lived on the subject property for 20 years.

Mr. Jackere asked the applicant if he works on metal signs and Mr. Pearson replied that he makes wood signs only.

Ms. Wilson asked the applicant if he has been before the Board before this date and he replied that he had a similar application approximately 13 years ago.

Ms. White asked if large signs would be stored outside and he stated that the yard would not be littered with signs.

Mr. Jackere informed that outside storage would not be permitted on the property.

Interested Parties:

A letter of support (Exhibit L-1) was received from Ms. F.S. Manley, 1923 East 13th Place, Tulsa, Oklahoma.

Protestants:

Jack Daniels, 2031 East 13th Place, Tulsa, Oklahoma, informed that he is remodeling his home and does not want a business in the neighborhood. He suggested that Mr. Pearson do this work at his other business location.

Don Barnum, 1620 South Elwood, Tulsa, Oklahoma, submitted a petition of opposition (Exhibit L-2) from 63 residents of Terrace Drive Addition. He stated that these residents do not want the character of the neighborhood to change and asked that the Board deny the special exception request.

Additional Comments:

Mr. Jackere asked Mr. Pearson to state any change in the neighborhood since the application was made 13 years ago. He informed that the Broken Arrow Expressway has been opened and an off-ramp is now located 200' to the east of his property and an on-ramp approximately 200' to the west. He stated that the traffic is heavy on these streets and that he feels his business would not add to the noise factor or be inappropriate for the neighborhood.

Case No. 13753 (continued)

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson; "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to DENY a Special Exception (Section 440 - Special Exception - Uses in Residential Districts - Use Unit 1215) for a home occupation to allow a sign shop and servicing in an RS-3 zoned district, under the provisions of Section 1680; finding that the granting of the special exception would be detrimental to the neighborhood and would not be in keeping with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 23, Block 13, Terrace Drive Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13754

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request an exception to allow a drycleaning and laundry service in a CS zoned district, under the provisions of Section 1680.

Variance Section 1215 - Other Trades and Services - Use Unit 1215 - Request a variance of maximum of floor area from 1500 sq. ft. to 2406 sq. ft. to allow for a drycleaning and laundry service, under the provisions of Section 1670, located at 8272 South Lewis.

Presentation:

The applicant, Thomas Fixmer, 11424 South 82nd East Avenue, Bixby, Oklahoma, submitted a plot plan (Exhibit M-1) and asked the Board to allow him to operate a drycleaning business in a shopping center at the above stated address. He explained that the cleaning equipment is totally self-contained and there are no odor or fumes. Mr. Fixmer informed that the cleaning operation meets all Health Department Codes and Regulations. Mr. Fixmer stated that the 1,500 sq. ft. regulation presents a hardship for the cleaning facility in that the receiving area will have a shoe repair pick up, an alterations department, and office and restroom facilities.

Comments and Questions:

Ms. Wilson asked the applicant if the cleaners would be a drop-off station for other shops and Mr. Fixmer stated that it is not.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson; "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow a drycleaning and laundry service in a CS zoned district, under the provisions of Section 1680; per Health Department approval; finding a hardship imposed on the applicant by

Case No. 13754 (continued)

Insufficient floor area for the multiple services offered at the location:

Lot 7, Block 20, Riverbend Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13755

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1202 - Request an exception to allow a gun club and the sale and repair of guns in an IL zoned district, under the provisions of Section 1680, located on the NE/c of 60th Place and Garnett.

Presentation:

The applicant, Riley Gilmore, 13303 East 45th Street, Tulsa, Oklahoma, submitted a site plan (Exhibit N-1) and stated that the name of his business is Tulsa Firearms Training Academy, Inc. He asked the Board to allow the operation of an indoor pistol and gun shop at the corner of 60th and Garnett. Mr. Gilmore informed that he would like to move his business from 11th and Sheridan to the new location. Mr. Gilmore stated that he has had no complaints from neighbors in the surrounding area where he is now located, but is leasing there and is planning to purchase property at the new site. The proposed building will have a 34 space parking lot and will have ingress and egress on 60th. He noted that the building will be constructed of concrete and will be noise proof.

Comments and Questions:

Mr. Chappelle asked the applicant to state the surrounding uses at the new location and Mr. Gilmore stated that the use is industrial.

Ms. White asked what the size of the new facility will be and Mr. Gilmore replied that the proposed building will be 6,000 sq. ft.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1202) to allow a gun club and the sale and repair of guns in an IL zoned district, under the provisions of Section 1680; per plot plan submitted; finding that the granting of the special exception to allow a gun club in the industrial district will not be detrimental to the area and will not impair the spirit and intent of the Code; on the following described property:

Lot 1, Block 20, 6000 Garnett Park Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 13756**

**Action Requested:**

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1214 - Request a variance of setback from the centerline of Harvard Avenue from 100' to 50', under the provisions of Section 1670, located south of the SE/c of 51st and Harvard.

**Presentation:**

The applicant, Sam Steel, requested by letter (Exhibit XX-1) that Case No. 13756 be continued in order that he would have sufficient time to advertise for additional relief.

**Board Action:**

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to CONTINUE Case No. 13756 until October 10, 1985, to allow the applicant to advertise for additional relief.

**Case No. 13757**

**Action Requested:**

Special Exception - Section 440.2 - Special Exception Uses in the Residential Districts - Use Unit 1206 - Request a special exception to allow a mobile home in an RS-3 zoned district.

Variance - Section 440.6 (a,b,c) - Special Exception Uses in the Residential Districts - Request a variance of the one year time limit, removal bond and contract for a mobile home, located at 114 South 35th West Avenue.

**Presentation:**

The applicant, Terry Clark, 2983 West 65th Street, Tulsa, Oklahoma, submitted photographs (Exhibit O-1) of mobile homes in the area of the subject tract. Mr. Clark stated that he purchased the property in question approximately 4 years ago. He pointed out that the property is next door to his home and he had intended to construct a house on the lot, but due to the distressed economy does not find that would be a good investment at this time. The applicant asked the Board to allow him to park a mobile home on his lot for rental use.

**Comments and Questions:**

Ms. Wilson asked the applicant if the property is vacant and he answered in the affirmative.

**Protestants:**

Clifford Bellamy, 131 South 35th West Avenue, Tulsa, Oklahoma, stated that he lives across the street from Mr. Clark and is against rental property on the lot in question.

Case No. 13757 (continued)

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Special Exception (Section 440.2 - Special Exception Uses in the Residential Districts - Use Unit 1206) to allow a mobile home in an RS-3 zoned district; and to DENY a Variance (Section 440.6 (a,b,c) - Special Exception Uses in the Residential Districts) of the one year time limit, removal bond and contract for a mobile home; subject to removal bond; finding that there are other mobiles in the area and that the granting of the special exception request will not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 6 and 7, Block "E", Joe's Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13758

Action Requested:

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

Variance - Section 1420(a) - Nonconforming Use of Buildings and Land in Combination - Use Unit 1205 - Request a variance to expand a nonconforming use, located on the SE/c of 32nd and Indianapolis.

Presentation:

The applicant, Jess Stout, was represented by Gary Wingo, 5919 East 87th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit P-1) for an addition to an existing day care center which is a part of Miss Helen's Private Schools. Mr. Wingo informed that he has owned the center since 1974. He pointed out that his mother previously operated three other schools adjacent to his center and they are now called Helen's Schools. Mr. Wingo informed that he is proposing to build on 400 sq. ft. to the east of the existing structure.

Comments and Questions:

Ms. White asked why the addition is being constructed and the applicant replied that increased enrollment necessitates the adding on of the 400 sq. ft.

Ms. Wilson asked Mr. Wingo to state the number of children enrolled at this time and the number expected after expansion. He answered that there are 29 students enrolled at this time and a maximum of 38 can be serviced after construction is complete. Mr. Wingo stated that the school will operate from 7:30 a.m to 6:00 p.m.

9.26.85:448(23)

Case No. 13758 (continued)

Ms. Wilson asked Ms. Hubbard if there is sufficient land to accommodate the new addition. Ms. Hubbard informed that a corrected set of plans has been submitted and she would need additional time to review the corrections and make that determination.

Mr. Jackere informed that the applicant is not in need of the variance requested.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Special Exception (Section 410 - Permitted Uses in the Residential Districts - Use Unit 1205) to allow an existing day care center in an RS-3 zoned district; and to DENY a Variance (Section 1420(a) - Nonconforming Use of Buildings and Land in Combination - Use Unit 1205) to expand a nonconforming use; per plot plan submitted; subject to approval by the Building Inspector; finding that the day care center has been in operation for a long period of time and is compatible with the neighborhood and the surrounding area; on the following described property:

The north 60', south 180', east 137.5' of Lot 23, and north 60', south 180', east 137.5', of the west 162.5', Lot 23, Albert Pike Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13759

Action Requested:

Variance - Section 1213.4 - Off-Street Parking and Loading Requirements - Use Unit 1210 - Request a variance of the required number of parking spaces from 657 to 610, located on the SW/c of 31st Street and 93rd East Avenue.

Presentation:

The applicant, Alfred Osborn, 3100 Willcrest, Houston, Texas, submitted a plot plan (Exhibit Q-1). He stated that the owner of the property is expanding a shopping center and adding additional lease space at the above stated location. Mr. Osborn pointed out that the addition will close off a back portion of the property that was proposed for parking, but is now considered to be too remote to be utilized for this purpose. He informed that after the construction is complete the center will have 610 parking spaces instead of the required 659. Mr. Osborn pointed out that much of the leased area will be for office use.

Comments and Questions:

Ms. Wilson asked Mr. Osborn why he doesn't just put in the required parking since it is proposed and the space is available. Mr. Osborn replied that he would like to leave the area open.



Case No. 13759 (continued)

Ms. Hubbard pointed out to Mr. Osborn that the shopping center leasing space would be limited to retail and no eating establishments would be permitted.

Ms. White asked Mr. Osborn if he would have a problem with the restrictions. He explained that he would like to proceed because he feels the parking is adequate for the present time.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 2-1-0 (White, Wilson, "aye"; Chappelle, "nay"; no "abstentions"; Bradley, Clugston "absent") to **DENY** a **Variance** (Section 1213.4 - Off-Street Parking and Loading Requirements - Use Unit 1210) of the required number of parking spaces from 657 to 610; finding that the space for the required parking is available on the subject tract; on the following described property:

A tract of land containing 13.0464 acres that is a part of Lot 1, Block 1, Briar Village, a resubdivision of all of Briarwood Center Second, Amended, an addition to the City of Tulsa, Tulsa County, Oklahoma, being described by metes and Bounds as follow, to-wit; Beginning at a Point said point being the NW/c of Lot 1 in Block 1 of Briar Village; thence due east along the northerly line of Lot 1, Block 1, of Briar Village for 30.00'; thence due south and parallel to the westerly line of said Lot 1, Block 1 for 93.00'; thence due east and parallel to the northerly line of Lot 1, Block 1 for 150.00'; thence due north and parallel to the westerly line of Lot 1, Block 1 for 93.00' to a point, said point being on the northerly line of Lot 1, Block 1; thence due east along the northerly line of Lot 1, Block 1 for 594.70' to a point, said point being the NW/c of Lot 2, Block 1 of Briar Village; thence due south along the westerly line of said Lot 2, Block 1 for 100.00' to the SW/c thereof; thence due east along the southerly line of Lot 2, Block 1 for 225.00' to a point, said point being on the SE/c of Lot 2, Block 1, and also the most easterly NE/c of Lot 1, Block 1; thence due south along the easterly line of Lot 1, Block 1 for 510.00' to a point, said point being the NE/c of Lot 1, Block 1 of Briar Village Apartments, a resubdivision of a part of Lot 1, Block 1, Briar Village, an addition to the city of Tulsa, Tulsa County, Oklahoma; thence due west along the northerly line of said Lot 1, Block 1 of Briar Village Apartments for 566.18'; thence due south along the westerly line of Lot 1, Block 1, Briar Village Apartments for 135.75' to a point, said point being on the northerly line of Briarwood Second Addition, an addition to the city of Tulsa, Tulsa County, Oklahoma; thence north  $81^{\circ}30'00''$  west along the northerly line of Briarwood Second Addition for 220.98'; thence south  $87^{\circ}30'00''$  west along said northerly line of Briarwood Second Addition for 35.00'; thence due north along

Case No. 13759 (continued)

the easterly line of said Briarwood Second Addition for 297.92'; thence due west along the northerly line of Briarwood Second Addition for 180.00'; thence due north along the westerly line of Lot 1, Block 1, Briar Village for 416.70' to the Point of Beginning of said tract of land.

Case No. 13760

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in a Commercial District - Use Unit 1221 - Request a variance of setback requirements from 10' to 2' to allow for a sign, 1010 North Garnett Road.

Presentation:

The applicant, J.E. Kamford, 4243 Hunt Road, Cincinnati, Ohio, was represented by Steve Branstetter, who submitted a sign plan (Exhibit R-1) and photographs (Exhibit R-2). Mr. Branstetter informed that the Holiday Inn would like to have permission to use the existing pole and base, but modify the upper portion of the sign in question. Mr. Branstetter pointed out that the new sign will be 470 sq. ft., considerably smaller than the existing one which is 600 sq. ft.

Comments and Questions:

Ken Bode, Sign Inspector, explained to the Board that the sign would be structurally unstable if it were moved.

Mr. Jackere asked if the sign is encroaching on the setback and Mr. Branstetter pointed out that the sign is encroaching under the new ordinance, but was not on the setback in the 1960's when it was built.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in a Commercial District - Use Unit 1221) of setback requirements from 10' to 2' to allow for a sign; per plan submitted; finding that the new sign is actually smaller than the sign that is now in place on the property; and finding that the sign and base met the City requirements at the time of installation in the 1960's; on the following described property:

A part of Windgardner-Hammons Operations Commercial Center Addition, Tulsa County, Oklahoma, according to the recorded plat thereof, said part being more particularly described as follows, to-wit; Beginning at a point on the north line of said Lot 1, Block 1, 132.74 feet west on the NE/c thereof; thence S 88°47'06" W and along the north line of said Lot 1, Block 1 for 527.26 feet; thence S 02°16'48" E for 497.27 feet to a point on the south line of said Lot 1, Block 1, thence N 87°23'21" E and

Case No. 13760 (continued)

along the south line of said Lot 1, Block 1 for 475.00 feet; thence N 01°06'33" W for 155.90 feet; thence N 88°53'27" E for 175.00 feet to a point on the east line of said Lot 1, Block 1; thence N 01°06'33" W and along said east line of Lot 1, Block 1 for 160.54 feet; thence S 88°47'06" W for 132.74 feet; thence N 01°06'33" W for 169.50 feet to the point of beginning and containing 6.2239 acres more or less.

Case No. 13761

Action Requested:

Special Exception - Section 410 - Permitted Uses in the Residential Districts - Use Unit 1205 - Request a special exception to extend the present school by adding an additional free-standing building, located at 3745 South Hudson.

Presentation:

The applicant, Ed Tacha, was represented by Steve Hart, 4942 South Boston Place, Tulsa, Oklahoma, who submitted a plot plan (Exhibit S-1). Mr. Hart explained that the present building at the Montessori School is approximately 6,000 sq. ft., with an enrollment of 144 students from kindergarten through 3rd grade level. He pointed out that the expansion plans will allow an increased enrollment over the next several years. Mr. Hart stated that the school has an opportunity to purchase a prefab building from a nearby school and would like permission from the Board to place the 3,825 sq. ft. structure on the school property. He informed that the school has adequate parking for the facility.

Protestants: None

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a **Special Exception** (Section 410 - Permitted Uses in the Residential Districts - Use Unit 1205) to extend the present school by adding an additional freestanding building; per plot plan submitted; finding that the additional building on the school property will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

A tract of land in the NW/4 of the SE/4 of Section 22, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point that is 550' south of the north line and 55' east of the west line of said NW/4 of the SE/4; thence easterly and parallel to the northerly line of said NW/4 of the SE/4 for 700'; thence southerly and parallel to the westerly line of said

Case No. 13761 (continued)

NW/4 of the SE/4 for 200'; thence westerly and parallel to the northerly line of said NW/4 of the SE/4 for 700'; thence northerly and parallel to, and along a line that is 55' east of the westerly line of said NW/4 of the SE/4 to the Point of Beginning of said tract, subject to rights-of-way and easements of records; City of Tulsa, Tulsa County, Oklahoma.

Case No. 13762

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the required 5' sideyard requirement to 3' in order to permit a lot-split, located on the NW/c of 16th and Jamestown.

Presentation:

The applicant, Lana Elrod, was not present.

Comments and Questions:

Ricky Jones informed that Lot Split No. 16528 was denied by the Planning Commission on September 18, 1985.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to DENY a Variance (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of the required 5' sideyard requirement to 3' in order to permit a lot-split; finding that the applicant was denied a lot-split by TMAPC, therefore the variance was not needed; on the following described property:

Lot 11, Block 2, Sunrise Terrace Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13763

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request a variance of the required 110' setback from the centerline of Yale Ave. to 100' and of the required 50' setback from the centerline of 32nd Street to 46'.

Variance - Section 1213.3(b) and 1214.3(b) - Use Conditions - Request a variance of the required 6' screening fence.

Variance - Section 1213.4 and 1214.4 - Off-Street Parking and Loading Requirements - Request a variance of the required 50' parking spaces to 49, located on the NE/c of 32nd Street and Yale Avenue.

Case No. 13763 (continued)

Presentation:

The applicant, Mike Austin, 5323 East 36th Street, Tulsa, Oklahoma, submitted photographs (Exhibit T-1) and stated that he is proposing to build an office retail center at the above stated location. He asked that the shrubs remain as a natural screen in lieu of the required screening fence.

Comments and Questions:

Mr. Jackere asked the applicant if the proposed center would either line up with or be further away from the street than the surrounding buildings. Mr. Austin replied that his building will set further back than the Insurance company on the corner and the Celebrity Club.

Ms. White asked Mr. Austin if there is a residence to the east of the subject property and he answered that there is a burned out building and 2 vacant lots east of his property.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) of the required 110' setback from the centerline of Yale Ave. to 100' and of the required 50' setback from the centerline of 32nd Street to 46'; to APPROVE a Variance (Section 1213.3(b) and 1214.3(b) - Use Conditions) of the required 6' screening fence; and to APPROVE a Variance (Section 1213.4 and 1214.4 - Off-Street Parking and Loading Requirements) of the required 50' parking spaces to 49; per plot plan submitted; finding that there are other buildings on Yale and in the immediate area that encroach on the setback; on the following described property:

Lot 4, Block 1, Yorkshire Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13764

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the required 55' to 35.7' and a variance of the 5' sideyard setback to allow for a carport, located at 3230 South 121st East Avenue.

Presentation:

The applicant, Evelyn Frank, 3230 South 121st East Avenue, Tulsa, Oklahoma, submitted a plat of survey (Exhibit U-1) and requested that the Board allow her to construct a carport on her property.

9.26.85:448(29)

Case No. 13764 (continued)

Comments and Questions:

Mr. Chappelle asked the applicant if there are other carports in the neighborhood and Ms. Frank informed that there are 2 in the 3100 Block of 121st East Avenue.

Ms. Wilson asked Ms. Frank what type of material will be used to construct the carport. The applicant informed that the size will be 18' by 20' and it will be of metal construction.

Ms. Hubbard asked the applicant if she has applied for a Building Permit and she informed that she decided to get the variance before making application for the permit.

Ms. White asked Ms. Frank to address the hardship which would support the granting of the variance request. The applicant stated that her garage has been converted into a bedroom. She pointed out that she needs the carport in rainy weather to protect the children that she keeps and her husband who has health problems.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to DENY a Variance (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of the required 55' to 35.7' and a variance of the 5' sideyard setback to allow for a carport; finding that the applicant failed to demonstrate a hardship that would warrant the granting of the variance request; on the following described property:

Lot 3, Block 4, Briarglen Extended, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13765

Action Requested:

Special Exception - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request an exception to allow home for battered women (halfway house) in an RM-1 and RS-3 zoned district, located between Queen Street and Queen Place, and Hartford Avenue and Midland Avenue.

Presentation:

The applicant, Don Bybee, 1806 South 69th East Avenue, Tulsa, Oklahoma, who represented Tulsa Urban Renewal Authority, submitted a plot plan (Exhibit V-1). Mr. Bybee asked the Board to allow a home for battered women and abused children to be located in a residential neighborhood. He stated that the 2-story facility will contain approximately 13,000 sq. ft. and total ground area will be about 91,000 sq. ft.

Case No. 13765 (continued)

Comments and Questions:

Mr. Chappelle asked Mr. Bybee if the facility will be northeast of the library. The applicant noted that there is approximately 1 block of vacant land between the proposed facility and the library.

Ms. Hubbard stated that she is not sure that the application would fall under the definition of 'halfway house', but may more resemble a Use Unit 8. She pointed out that the definition of a halfway house states that the building is a treatment center for persons undergoing care or rehabilitation for alcoholism or drug abuse, which is not the case here. She pointed out that that Use Unit 8 would be permitted by right in the RM portion, but not in the RS-3 portion.

Mr. Jackere informed that, in his estimation, the case is properly advertised before the Board at this time.

Protestants:

Stacy Newby, 1626 North Greenwood, Tulsa, Oklahoma, stated that she is against the location of the home for battered women in the neighborhood.

Ms. White asked Ms. Newby to state her reasons for being opposed to the home. She informed that it will be too close to the library, the health center and the church, and that the residents of the area would be frightened to get out at night.

Alfred Ware, 715 East Queen Street, Tulsa, Oklahoma, lives across the street stated that if the home is secured he would not be opposed to its location in the neighborhood.

Clarence Love, 725 East Seminole, Tulsa, Oklahoma, pointed out that the property has been cleaned up since the project has been started, but that he objects to the shelter being located in the residential area.

Gustava Wright, 709 East Reading Street, Tulsa, Oklahoma, stated that she is not against a home for battered women, but is against the proposed location because she is afraid for herself and her children.

Comments and Questions:

Nancy Catchel, Executive Director of Domestic Violence Intervention Services, explained that the shelter will be provided for women and children who have been the victims of abuse. She informed that staff will monitor, around the clock, the safety of these women and children and that the neighborhood will not be effected negatively by their presence. She pointed out that they are not dangerous and are seeking safety.

Case No. 13765 (continued)

Mr. Chappelle asked how many women will be housed in the facility and Ms. Catchel answered that there will be 58 to 60 women and children.

Ms. Wilson asked how the present location was chosen and Ms. Catchel informed that her organization has been working with the City to identify a location for the home. She further explained that this location would be suitable because it is near the health center, library, and a bus line which would enable the women to get downtown.

Ms. Wilson asked if the children would attend the schools that they are enrolled in and Ms. Catchel informed that they will go to the schools that are assigned to that area.

Mr. Chappelle asked Ms. Catchel what type of security will be provided for the home. She informed that there will be internal security as well as support from the local police department.

Mr. Chappelle informed that he believes that the new facility would be good for the area. He pointed out that it would develop the whole tract west of the Midland Valley Railroad and stated that, in his opinion, that might cut down on the crime rate since more police would be patrolling Hartford, Midland and Greenwood Place. Mr. Chappelle informed that he is in support of the project.

Ms. Wilson asked if the children will be controlled and if they will be allowed to roam the neighborhood. Ms. Catchel replied that there will be a fenced playground and that the children will not be allowed outside the facility without adult supervision.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Special Exception (Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a home for battered women (halfway house) in an RM-1 and RS-3 zoned district; per plot plan submitted; finding that the 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:

Block 5, Roosevelt Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13766

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the



Case No. 13766 (continued)

required 50' setback from abutting service road to 40' to permit a single-family dwelling, located on the SE/c of Woodrow Place and Cincinnati.

Presentation:

Don Bybee, 1806 South 69th East Avenue, Tulsa, Oklahoma, represented Tulsa Urban Renewal Authority, owner of the property in question. The applicant explained that the 62' wide property is the remnant of a 127' wide lot that the Authority acquired several years ago. He explained that the western portion of the lot was dedicated to the City for street right-of-way and asked the Board to allow the variance so that a 32' dwelling can be placed on the property.

Comments and Questions:

Ms. Wilson asked Mr. Bybee if he brought a picture of the house and the applicant informed that he did not. He pointed out that the house is one that is being moved in from the flood area.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of the required 50' setback from abutting service road to 40' to permit a single-family dwelling; finding a hardship imposed on the applicant by the corner location and setbacks from 2 streets; on the following described property:

The east 62' of Lot 10, Block 8, Acre Gardens Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13767

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the required 20' rear yard to 7.5' to permit an addition to an existing dwelling, located at 225 South 119th East Avenue.

Presentation:

The applicant, Tom McGuire, was present and asked that Case No. 13767 be continued until October 10, 1985.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to CONTINUE Case No. 13767 to October 10, 1985.

**Case No. 13768**

**Action Requested:**

Special Exception - Section 310 - Principal Uses Permitted In the Agriculture District - Use Unit 1205 - Request a special exception to allow a church and related activities in an AG zoned district.

Special Exception- Section 410 - Principal Uses Permitted In the Residential District - Use Unit 1205 - Request a special exception to allow a church and related activities in an RS-3 zoned district, located at 8900 South Union.

**Presentation:**

The applicant, Duane Snapp, 1030 West Main, Jenks, Oklahoma, submitted a plot plan (Exhibit Z-1). He informed that the 85 acre tract is zoned agricultural with a small portion on 91st Street zoned residential. Mr. Snapp asked the Board to allow a church building on a 3 acre parcel of the property.

**Comments and Questions:**

Mr. Jackere asked Mr. Snapp to explain the proposed use for the remaining property. He explained that there is no planned use for the property at the present time, but it may be used for church related purposes in the future.

Ms. Wilson asked Mr. Snapp to clarify the meaning of church related purposes. The applicant informed that these would be a headquarters ministries for an evangelistic minister and his congregation, as well as office space.

Mr. Jackere pointed out that the Board should consider that a school with accessory uses might not be planned today, but may be a reality in 10 years.

**Interested Parties:**

Earl Pregler, 11354 East Independence, Tulsa, Oklahoma, stated that he owns property that abutts the subject tract on the north and west and would like to know more about plans for the land.

Orville Henderson, 1736 West 89th Street South, Tulsa, Oklahoma, stated that he owns property in the area and would like to know what is to be built on the tract in the future.

Mr. Jackere pointed out that a church is proposed at this time and it would be difficult for the owner to know at this point what would be located on the property in 10 years.

**Board Action:**

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Special Exception (Section

Case No. 13768 (continued)

310 - Principal Uses Permitted in the Agriculture District - Use Unit 1205) to allow a church and related activities in an AG zoned district; and to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1205) to allow a church and related activities in an RS-3 zoned district, located at 8900 South Union; per plot plan submitted; finding that the church would not be detrimental to the area and would be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

All that part of the SE/4 of Section 15, Township 18 N, Range 12 E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit: Beginning at a point on the west line of said SE/4 238.70 feet north of the SW/c thereof; thence north  $89^{\circ}19'53''$  E and parallel to the south line of said SE/4 a distance of 547.47 feet; thence north  $0^{\circ}45'51''$  W a distance of 238.80'; thence north  $89^{\circ}19'53''$  E and parallel to the south line of said SE/4 a distance of 365.20 feet; thence south  $0^{\circ}45'51''$  E a distance of 477.40 feet; thence north  $89^{\circ}19'53''$  E along the south line of said SE/4 a distance of 242.78 feet; thence north  $0^{\circ}45'51''$  W a distance of 238.70 feet; thence north  $89^{\circ}19'53''$  E and parallel to the south line of said SE/4 a distance of 166.0 feet; thence north  $0^{\circ}33'20''$  W a distance of 1,090.55 feet; thence north  $89^{\circ}28'15''$  E a distance of 553.93 feet; thence north  $0^{\circ}55'28''$  W a distance of 123.02 feet; thence north  $89^{\circ}19'53''$  E and parallel to the south line of said SE/4 a distance of 436.82 feet; thence north  $0^{\circ}36'24''$  W and parallel to the east line of said SE/4 a distance of 1,205.27 feet to a point on the north line of said SE/4; thence south  $89^{\circ}12'49''$  W a distance of 2,314.48 feet to the NW/c of said SE/4; thence south  $0^{\circ}39'14''$  E along the west line of said SE/4 a distance of 2,407.73 feet to the Point of Beginning.

Case No. 13769

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the required 55' setback from the centerline of 54th Street to 42.5' and of the required 55' setback from the centerline of Toledo Avenue to 32' and of the required 25' rear yard to 8.7' to allow an existing dwelling in an RS-2 zoned district, located at 5344 South Toledo Avenue.

Presentation:

The applicant, Byron Todd, 3140 South Winston, represented Rebecca Hobson, owner of the property in question. Mr. Todd submitted a plot plan (Exhibit W-1) and explained to the Board that the house was built in 1955 and was annexed into the City in 1962. The

Case No. 13769 (continued)

applicant stated that Ms. Hobson purchased the house in the 1970's and is now divorced and would like to sell the property. He informed that the variance is needed for title purposes.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of the required 55' setback from the centerline of 54th Street to 42.5' and of the required 55' setback from the centerline of Toledo Avenue to 32' and of the required 25' rear yard to 8.7' to allow an existing dwelling in an RS-2 zoned district; on the following described property:

Lot 6, Block 3, Tanglewood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13770

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1217 - Request a special exception to allow a Use Unit 17 (mini-storage) in a CS zoned district.

Variance - Section 1217.3 - Use Conditions - Use Unit 1217 - Request a variance of screening requirements from an R district, located on the NE/c of 11th Street and Mingo Road.

Presentation:

The applicant, Ken Cox, was not present. Mr. Cox requested by letter (Exhibit Y-1) that Case No. 13770 be continued until October 10, 1985 in order that he could advertise for additional relief.

Protestants:

Dorothy Bennett, 1061 South Mingo, Tulsa, Oklahoma, was in the audience as a protestant.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to CONTINUE Case No. 13770 until October 10, 1985 to allow the applicant sufficient time to advertise for additional relief.

SPECIAL REQUEST

Case No. 13730

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1206 - Request an Exception for a home

Case No. 13730 (continued)

occupation to permit a lawn mower repair shop in an RS-3 zoned district, located at 2526 South 110th East Avenue.

Presentation:

Case No. 13730 was withdrawn at the request of the applicant, Amos Brown, and a request was made for the refund of filing fees.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a refund of fees in the amount of \$25.00; finding that all of the application has been processed except the public hearing portion.

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, Joe Hill, requested that Case No. 13737 be withdrawn and asked that application fees be refunded.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE the refund of application fees in the amount of \$25.00; finding that all of the application had been processed except the hearing portion.

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 SE/c of 34th and Quincy.

Presentation:

The applicant, Don Myers, did not need the relief requested and asked that the application fees be refunded.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE the refund of application

Case No. 13743 (continued)

fees in the amount of \$75.00; finding that the applicant did not need the relief requested.

Case No. 13771

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in the Commercial Districts - Use Unit 1225 - Request a special exception to allow a Use Unit 25 (light manufacturing) in a CH zoned district, located at 1332 East 6th Street.

Presentation:

The applicant, Colleen Cline, requested that Case No. 13771 be withdrawn and that filing fees be refunded.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-0 (Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Bradley, Clugston "absent") to APPROVE a refund of filing fees in the amount of \$25.00; finding that all of the case had been processed except the hearing portion.

There being no further business, the meeting was adjourned at 6:25 p.m.

Date Approved

10-10-85



Chairman

9.26.85:448(38)