

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 449
Thursday, October 10, 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, October 8, 1985, at 10:00 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On MOTION of WILSON and SECOND by CLUGSTON, the Board voted 3-0-1 (Chappelle, Clugston, Wilson, "aye"; no "nays"; Bradley, "abstaining"; White, "absent") to **APPROVE** the Minutes of September 26, 1985.

UNFINISHED BUSINESS

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 60' in order to permit a lot split, under the provisions of Section 1670, located on the SW/c of 15th St. and Frisco Avenue.

Presentation:

The applicant, Tom Mann, requested by letter (Exhibit A-1) that Case No. 13734 be continued until November 21, 1985.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no

10.10.85:449(1)

Case No. 13734 (continued)

"abstentions"; White, "absent") to CONTINUE Case No. 13734 to November 21, 1985.

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 to allow outdoor storage within 300' of an R district, located on the NE/c of 11th Street and Mingo Road.

Presentation:

The applicant, Kenneth Cox, requested by letter (Exhibit B-1) that Case No. 13770 be continued until October 24, 1985 to allow time to consult with Stormwater Management regarding drainage; however, there was a protestant in the audience and Mr. Cox was summoned by phone and appeared before the Board. He explained that the reason for the first continuance was that the original notice did not include part of the application and it was necessary to readvertise. Mr. Cox stated that Mr. Bennett had requested that drainage plans be worked out with Stormwater Management and a meeting is scheduled. He pointed out that he would like to satisfy Mr. Bennett's concerns and those of any other neighboring property owners.

Protestants:

Ron Bennett, 5321 South Sheridan, Tulsa, Oklahoma, represented Gilbert and Dorothy Bennett, and pointed out that his clients had attended the BOA Meeting 2 weeks ago to present their protest. Mr. Bennett stated that the case was continued at that time and today they are present again. He informed that he did not know the reasons for another continuance.

After hearing Mr. Cox, Mr. Bennett, stated that his clients are not opposed to a continuance in order that Stormwater Management can review the drainage plans presented.

Mr. Chappelle noted that the applicant is requesting the continuance in order to allow sufficient time to meet with Stormwater Management regarding drainage of the subject property.

Comments and Questions:

There was discussion by Staff on drainage of the property and Stormwater Management review.

Ms. Wilson voiced a concern that, if the case is continued, Stormwater Management will not make a decision on the drainage problem.

Case No. 13770 (continued)

Mr. Gardner pointed out that the protestant has asked Stormwater Management to look into the problem and the applicant has presented a plan for approval, rather than asking them to view the property and draw up the plan.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to CONTINUE Case No. 13770 to November 7, 1985, to give Stormwater Management sufficient time to review drainage plans to be submitted by the applicant.

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 provision of Section 1670, located on the NW/c of 45th Street and 33rd West Avenue.

Presentation:

The applicant, Casper Jones, 1302 South Fulton, Tulsa, Oklahoma, informed that the property where the sign in question is located is zoned IL and in that district a sign can be placed on the property line, except on the major streets. He pointed out that 33rd West Avenue is a major street and calls for a 50' setback from the centerline. Mr. Jones noted that the Highway Department built the overpass and took 10' which made a 40' dedication for 33rd West Avenue. He explained that the sign is placed 46' from the centerline of that street and asked the Board to permit it to remain at its present location, subject to a removal contract.

Comments and Questions:

Mr. Clugston asked Mr. Jones if the sign is already in place and Mr. Jones answered that the sign has been at its present location for approximately 8 to 10 years. Mr. Jones informed that there is a law office sign to the north that is located on the property line, and a bank sign across the street that is also on the property line.

Mr. Gardner pointed out that many of the older signs at one time were located on the owners property, but now have been sold for right-of-way. He explained that some of these signs are left in place, subject to a removal contract which states that the owner will move the sign in event the street is widened.

Mr. Jones informed that the subject sign may overhang on 45th Street, and if so, the applicant would need to have City Commission approval to leave the sign in its present location. Photographs were submitted (Exhibit C-1).

Ken Bode, Protective Inspections, stated that the subject sign is 26' from the centerline of 45th Street.

Case No. 13748 (continued)

Mr. Gardner stated that if the sign is too close to 45th Street, approval from the City Commission would have to be obtained. 45th Street is not a designated collector street and therefore there is no zoning violation.

Protestants: None.

Board Action:

On MOTION of WISLON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) to permit a pole sign 46' from the centerline of 33rd West Avenue, under the provision of Section 1670; subject to City Commission approval and a Removal Contract; finding that there are other signs in the immediate area that are as close to the centerline as the subject sign; on the following described property:

Lots 7 - 12, Block 31, Yargee Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13756

Action Requested:

Special Exception - Section 710 - Permitted Uses in the Commercial Districts - Use Unit 1202 - Request a special exception to allow a Use Unit 2, (self-service postal facility) in a CS zoned district.

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, 3314 East 51st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) and stated that he has an existing post office on the corner of 51st and Harvard which was built in 1965. Mr. Steel explained that many restaurants have located nearby and the area has become very congested. The applicant asked the Board to grant him permission to relocate the self-service postal unit to the south of the southeast corner of 51st and Harvard.

Comments and Questions:

Ms. Bradley asked the applicant to state the size of the proposed unit and he replied that the pad will be 24' by 20' and the building will be 10' by 12' with a 6' overhang. Mr. Steel informed that there will be a ramp and rails for the handicapped.

Case No. 13756 (continued)

Ms. Wilson asked Mr. Steel if the building will be constructed on the property line and he answered in the affirmative. Ms. Wilson noted that the the other building sets back a distance from the property line.

Mr. Clugston inquired as to what precipitated the moving of the unit since the restaurants have been in the area for years.

Tom Mann, 525 South Main, Tulsa, Oklahoma, informed that the previous building had sustained damage from the delivery trucks which serviced the restaurants and the facility has been vacated. He pointed out that, in his opinion, the previous location was too congested for the operation.

Mr. Clugston voiced a concern about locating buildings on the property line and pointed out that he was concerned, too, when the nearby banking facility was allowed to build at its present location. He asked the applicant to address the hardship.

Mr. Mann answered that the handicapped public could be served with a ramp and rails at the proposed location.

Mr. Gardner informed that Staff was also concerned about establishing a precedent for moving buildings out to the property line rather than meeting the 50' setback. He pointed out that the Board, in reviewing the application for the banking facility, reasoned that it was more like a temporary structure since it is small and has only machines and no employees. Mr. Gardner noted that the Board, at that time, stated that they would not be supportive of any kind of waiver of building setback in the shopping center for a business with employees.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 3-1-0 (Bradley, Chappelle, Wilson, "aye"; Clugston, "nay"; no "abstentions"; White, "absent") to APPROVE a Special Exception (Section 710 - Permitted Uses in the Commercial Districts - Use Unit 1202) to allow a Use Unit 2, (self-service postal facility) in a CS zoned district; and to DENY a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1214) of setback from the centerline of Harvard Avenue from 100' to 50', under the provisions of Section 1670; finding that the granting of the special exception request for a postal unit would not be injurious to the area and would be in harmony with the spirit and intent of the Code and the Comprehensive Plan; but finding that a hardship was not demonstrated that would warrant the granting of the variance requested; on the following described property:

Case No. 13756 (continued)

That part of the N/2 of the NW/4 of Section 33, Township 19 North, Range 13 East, of the Indian Base and Meridian, according to the U. S. Survey thereof described as follows: Beginning at a point 50' east and 480' south of the NW/c of said Section 33 east a distance of 50' to a point, thence south 00°02'00" west a distance of 50' to a point, thence west a distance of 50' to a point, thence north 00°02'00" east a distance of 50' to the point of beginning, 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, 849 West 138th Place, Tulsa, Oklahoma, submitted a plat of survey (Exhibit E-1) and explained that there was a variance acquired at the time the present house was built to allow a 6' rear yard setback. Mr. McGuire asked the Board to allow a 7.5' rear yard setback for an addition to the dwelling.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of the required 20' rear yard to 7.5' to permit an addition to an existing dwelling; finding a hardship imposed on the applicant by the irregular shape of the lot; per survey submitted; on the following described property:

Lot 33, Block 23, Western Village III Addition, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 13772

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use 4 Unit 1217 - Request a special exception to allow a 1-day automobile sale in a CS zoned district, located at 11335 East 41st Street.

10.10.85:449(6)

Case No. 13772 (continued)

Presentation:

The applicant, George Havelka, 2520 North 76th East Avenue, Tulsa, Oklahoma, stated that he would like permission to have a 1 day used car sale on the parking lot of the Oklahoma Central Credit Union. Mr. Havelka explained that the sale will be held on Saturday, November 9, 1985 from 9 a.m. until 2 p.m..

Comments and Questions:

Mr. Jackere asked Mr. Havelka if he has been before the Board at another time this year. The applicant stated that he got a special exception to have a sale on the lot in question, but failed to get the license he needed and had to have the sale at another location.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by CLUGSTON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted In Commercial Districts - Use 4 Unit 1217) to allow a 1 day automobile sale in a CS zoned district, located at 11335 East 41st Street; subject to sale being conducted only on Saturday, November 9, 1985, from 9 a.m. to 2 p.m.; finding that the granting of the special exception requested for a 1 day automobile sale will not be detrimental to the area; on the following described property:

Part of Lots 1 and 2, Block 1, East Vue Center, an addition in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: Beginning at the NW/c of Lot 2, Block 1, thence east 610.00 feet to the NE/c of Lot 2, thence south 0°16'00" east a distance of 610.00 feet to the SE/c of Lot 2, thence due west a distance of 460.00 feet, thence north 0°16'00" west a distance of 350.00 feet; thence west 150 feet to point on the west line of Lot 2, thence north 0°16'00" west a distance of 260.00 feet to point of beginning, less a part of Lot 2, Block 1, being more particularly described as follows: Beginning at the NW/c of Lot 2, Block 1, thence due east along the north line thereof a distance of 408.00 feet; thence south 0°16'00" east a distance of 212.00 feet; thence due west a distance of 408.00 feet to a point on the west line of said Lot 2 Block 1; thence north 0°16'00" west along said west line a distance of 212.00 feet to the point of beginning, containing 1.986 acres or 86,495.06 square feet, more or less, AND LESS Beginning at the SE/c of Lot 2, Block 1, thence due west along the south line thereof a distance of 202.00 feet; thence north 0°16'00" west a distance of 610.00 feet to a point on the north line of said Lot 2, Block 1; thence due east along said north line a distance of 202.00 feet to the NE/c of said Lot 2, Block 1; thence south 0°16'00" east along the east line thereof a distance of 610.00 feet to the Point of Beginning, containing 2.828 acres or 123,218.67 square feet, more or less.

10.10.85:449(7)

Case No. 13773

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of 14th Street from 50' to 34', located on the SE/c or 14th and Pittsburg.

Presentation:

The applicant, Lillian Jones, 1401 South Pittsburg, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) and stated that she is proposing to extend her garage 13' and have the entrance on 14th Street. She pointed out that Pittsburg is heavily travelled and that having the driveway on 14th would be a better plan for her.

Comments and Questions:

Mr. Gardner asked the applicant if the new portion would line up with the existing portion of the dwelling. Ms. Jones replied that she plans to remove the north wall and extend the garage 13'.

Mr. Clugston noted that the plot plan indicates that the garage will be 50' from the centerline and therefore, would not need relief.

There was Board discussion as to the accuracy of the measurements given on the plot plan and Mr. Jackere suggested that the applicant meet with the Building Inspector and discuss a workable plan.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by Bradley the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to **CONTINUE** Case No. 13773 until October 24, 1985 to allow the applicant to confer with the Building Inspector and return to the Board with a more accurate plot plan.

Case No. 13774

Action Requested:

Variance - Section 1212.4 - Off-Street Parking and Loading Requirements - Use Unit 1212 - Request a variance of the required number of parking spaces, located on the SW/c or 43rd Street.

Presentation:

The applicant, Max Tankersly, 4240 South Peoria, Tulsa, Oklahoma, stated that he is co-owner of Traviston Square. Mr. Tankersly informed that a lessee, Vito's Pizza, needs a variance for seating relative to Use Unit 12.

Case No. 13774 (continued)

Comments and Questions:

Mr. Clugston asked Mr. Tankersly to state the number of tenants in the center. The applicant informed that there are 8 leasable spaces in the new strip center and Vito's Pizza, a type of carry-out operation, will be the only Use Unit 12. He explained that the tenant requested in their Occupancy Permit that they be allowed to have 4 tables.

Mr. Clugston asked the applicant how many extra parking spaces he is requesting.

Ms. Hubbard informed that the applicant may not be able to answer that question since the center is not totally leased. She explained that when the Building Permit was issued it was specifically noted that no Use Unit 12's would be permitted unless the applicant could demonstrate that sufficient parking was being provided for that use.

Mr. Gardner asked the applicant to state the size of the restaurant and he replied that there is 1,400 sq. ft. of floor space. Mr. Gardner informed that the restaurant is required to have 1 space for every 100 sq. ft. and originally must have attributed 1 space to every 225 sq. ft.; therefore, if the Board found Vito's Pizza to be a typical restaurant, 14 parking spaces would be required instead of the 7 he now has. Mr. Gardner pointed out that if it were strictly carry-out he would meet the ordinance.

Ms. Wilson asked Ms. Hubbard if the permit was issued for a carry-out restaurant and she informed that it was not for carry-out.

Mr. Tankersly suggested that Vito's is a use somewhere between food specialty and a restaurant.

Mr. Jackere pointed out to the Board that the consideration today is whether a restaurant should be allowed at the location with a variance of the parking.

Mr. Gardner pointed out that the purpose of the notation on the Building Permit restricting restaurant use at the shopping center was to protect the Building Inspector. Mr. Gardner explained that if a use of that type is desired, Board approval is necessary, and that is why the applicant is appearing today. He suggested that the Board will have to determine if the business is more like a food specialty or a restaurant.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 2-2-0 (Bradley, Wilson, "aye"; Chappelle, Clugston, "nay"; no "abstentions"; White, "absent") to *DENY a Variance (Section 1212.4 - Off-Street Parking and Loading Requirements - Use Unit 1212) of the required number of parking spaces.

10.10.85:449(9)

Case No. 13774 (continued)

*A motion was made by Ms. Bradley at the conclusion of the meeting to reconsider Case No. 13774. The Board voted 5-0-0 to rehear the case. Mr. Gardner summarized the presentation and comments for Ms. White who was absent at the first hearing.

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 APPROVE a Variance (Section 1212.4 - Off-Street Parking and Loading Requirements - Use Unit 1212) of the required number of parking spaces; subject to to only 4 tables and 16 chairs being used in the business; finding that the business is primarily a food specialty store and not a restaurant; on the following described property:

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

Case No. 13775

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request an exception to allow for office use in a residential district, at 1415 South St. Louis.

Presentation:

The applicant, John Hubbard, Jr., 4115 East 98th Street, Tulsa, Oklahoma, informed the Board that he is the Real Estate Agent and is selling the property in question for a proposed office. He explained that the structure will not be changed. Mr. Hubbard stated that there is an apartment in the basement and a garage apartment which will remain as rental property. The applicant stated that there is adequate parking for the office.

Comments and Questions:

Mr. Chappelle asked Mr. Hubbard what type of business his client is proposing to operate in the house.

The applicant replied that the proposed buyer compiles a magazine for the oil industry which advertises equipment, and also does art work and drawings.

Ms. Bradley asked the applicant how many employees will be working in the office and he informed that there will be 3 employees besides the owner and his wife.

Mr. Chappelle inquired as to the location of the business at the present time and Mr. Hubbard answered that the business is now located in the 4900 Block on South Vandalla.

10.10.85:449(10)

Case No. 13775 (continued)

Ms. Wilson asked the applicant why his client is moving the business. Mr. Hubbard stated that the area is in transition and his client is renting at the present location and would like to move in order to expand.

Ms. Bradley stated that there are residences all around the subject tract and stated concern that a precedent might be set if the application is approved.

Mr. Gardner pointed out that the Board should determine if the area is appropriate for office use or is more residential in character.

Mr. Jackere stated that office and residential uses are compatible in certain areas and pointed out that the Board will have to determine if, based on the physical facts, the office would be detrimental to the neighborhood.

Ms. Wilson asked the applicant if his client intends to live in the home and he answered that he does not.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to **DENY** a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) to allow for office use in a residential district; finding that the office use is not compatible with the residential neighborhood; on the following described property:

Lots 17, 45 and 46, Block 12, Forrest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13776

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request a use variance to allow office use in a residential district, located at 5810 South Mingo.

Presentation:

The applicant, John Hubbard, Jr., 4115 East 98th Street, Tulsa, Oklahoma, stated that the property in question is a 1,350 sq. ft. dwelling located on 4 acres of land at the corner of 58th Street and Mingo. Mr. Hubbard informed that there is a 40' drainage ditch to the rear of the lot and that the property was to be rezoned to IL, subject to flood control work, but it was found that it would cost the owner in excess of \$150,000 to comply with the conditions. He

10.10.85:449(11)

Case No. 13776 (continued)

pointed out that selling the property for IL was abandoned due to the cost factor exceeding the value of the land. Mr. Hubbard asked the Board to approve the variance for light office use.

Comments and Questions:

Ms. Wilson asked the applicant to state the type of business that would be in the house and he replied that that the use has not been determined at this time.

Ms. Bradley asked what is north and south of the subject tract. Mr. Hubbard replied that there is a business area to the north and business and residences to the south.

Mr. Gardner pointed out that all of the property between 58th Street and 61st Street, with the exception of the CS which was already zoned, came in under one application for IL and the City approved it subject to their establishing the back portion FD (floodway). The City agrees that the use is appropriate for light industry or office, but will not zone the property until the floodway is established.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a Use Variance (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211) to allow office use in a residential district; subject to Hydrology Department and Stormwater Management approval; subject to no additions or buildings being constructed and only the existing building enclosed and it being used for office space only; finding a hardship imposed on the applicant by the topography of the land and changing land use in the area; on the following described property:

Lots 1 and 2, Block 2, Anderson Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13777

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request a special exception to allow for off-street parking, located at 1419 South Denver Avenue.

Presentation:

The applicant, Larry Harra, 1717 East 15th Street, Tulsa, Oklahoma, represented the Tulsa Postal Federal Credit Union. Mr. Harra asked the Board to allow off street parking at 1419 South Denver for staff parking. He noted that the credit union has purchased the lot for this purpose.

Case No. 13777 (continued)

Comments and Questions:

Mr. Gardner asked the applicant if the lot to the south is tied to the office use and the applicant answered that the application was for a long term expansion as a drive through bank teller and conditions required that it be used for off street parking at this time.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210) to allow for off street parking; subject to the parking lot being used only for accessory parking for the office use to the south; on the following described property.

Lot 10, Block 1, Drew Campbell Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13778

Action Requested:

Variance - Section 410 - Bulk and Area Requirements in a Residential District - Use Unit 1206 - Request a minor variance of the required street frontage from 75' to 74.96' to allow for a lot split, located at 1428 South 121st East Avenue.

Presentation:

The applicant, Ray Williams, was represented by Violet Williams, 1417 North 76th East Avenue, Tulsa, Oklahoma.

Comments and Questions:

Ricky Jones explained that when the applicant bought the property he assumed that it was a true 150' total, but after a survey, the size was actually determined to be 149.96'. He noted that TMAPC has approved a lot split, subject to approval of this Board.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to **APPROVE** a **Variance** (Section 410 - Bulk and Area Requirements in a Residential District - Use Unit 1206) of the required street frontage from 75' to 74.96' to allow for a lot split; on the following described property:

10.10.85:449(13)

Case No. 13778 (continued)

South 130.67' of Lot 1 and the south 130.67' of the E/2 of Lot 2, and the north 19.29' of Lot 6 and the north 19.29' of the E/2 of Lot 5, Block 10, Elmhurst Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13779

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception for a mobile home in an RS-3 zoned district, located at 3639 South Maybell.

Variance - Section 440.6(e) - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209 - Request a variance of the time regulation from 1 year to permanent.

Presentation:

The applicant, Sharon Martin, 5405 South Everett, Sand Springs, Oklahoma, submitted photographs (Exhibit G-1) and stated that she is asking the Board to allow her to permanently place a mobile home on a lot she has purchased. Ms. Martin said that the old house that was on the lot had been demolished.

Comments and Questions:

Mr. Chappelle asked the applicant if there are other mobile homes in the area. Ms. Martin replied that there is one in the block where she bought her lot and 3 on the next block.

Ms. Wilson asked the applicant if she intends to live in the trailer and she answered in the affirmative.

Ms. Bradley asked the applicant if she would state the size of the mobile home and Ms. Martin informed that it is 14' by 80'.

Ms. Wilson asked Ms. Martin why she is requesting a variance of the time regulation from 1 year to permanent. The applicant answered that she intends to make the mobile a permanent home.

Interested Parties:

Raymond Jackson, 3664 South Lawton, Tulsa, Oklahoma, stated that he represents the Greater Tulsa Council and lives in the neighborhood. Mr. Jackson informed that he is supportive of the mobile home in the area.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Special Exception

10.10.85:449(14)

Case No. 13779 (continued)

(Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) for a mobile home in an RS-3 zoned district; and to **DENY** a **Variance** (Section 440.6(e) - Special Exception Uses in Residential Districts, Requirements - Use Unit 1209) of the time regulation from 1 year to permanent; subject to removal bond ; finding that there are other mobiles in the area and that the granting of the special exception requested will not be injurious 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:

Lot 25, Block 7, Garden City Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13780

Action Requested:

Special Exception - Section 440 - Accessory Uses in Residential Districts - Use Unit 1215 - Request an exception to allow answering service and bookkeeping for a plumbing shop as a home occupation.

Use Variance - Section 440 - Accessory Uses in Residential Districts - Use Unit 1215 - Request a use variance to allow for employees who don't reside on the premises, located at 907 South Oswego.

Presentation:

The applicant, Raymond Russell, 907 South Oswego, Tulsa, Oklahoma, informed that he is operating a plumbing business out of his home and has 1 employee that picks up work orders there. Mr. Russell asked the Board to allow him to continue this business approximately 1 year until he is able to relocate. The applicant informed that a site has been acquired and preparation is being to move the business. He pointed out that his materials are kept at another location, but he has a phone and office space in his home. Mr. Russell stated that his employee drives the truck that he uses home at the end of the day and there are no vehicles on the property in question except those that belong to him personally. He explained that his business was displaced by Urban Renewal.

Comments and Questions:

Ms. Wilson asked the applicant how long he has been operating the plumbing business out of his garage and he replied that he has been conducting the business there for 1 1/2 years.

Ms. Bradley asked if the office is in the garage and Mr. Russell stated that his office is in the garage and his wife answers the phone there.

Mr. Chappelle stated that Code Enforcement received a letter of complaint (Exhibit H-1) on August 7, 1985.

Case No. 13780 (continued)

Mr. Jackere asked if his employee could check in by telephone instead of coming to the home. The applicant explained that he would need to pick up orders and take the ticket with him when he went out on a repair job.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by CLUGSTON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to APPROVE a Special Exception (Section 440 - Accessory Uses in Residential Districts - Use Unit 1215) to allow answering service and bookkeeping for a plumbing shop as a home occupation; and to APPROVE a Use Variance (Section 440 - Accessory Uses in Residential Districts - Use Unit 1215) to allow for employees who don't reside on the premises; subject to a time limitation of 1 year; subject to the business having only 1 employee not residing on the premises; on the following described property:

Lot 17, Block 4, Marshall Heights 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13781

Action Requested:

Variance - Section 1213.4 - Off Street Parking and Loading Requirements - Use Unit 1210 - Request a variance of parking requirements in order to permit a lot split, located on the NE/c of 30th Street and Harvard Avenue.

Presentation:

The applicant, Clarence Stites, requested by letter (Exhibit I-1) that Case No. 13781 be withdrawn.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to WITHDRAW Case No. 13781.

Case No. 13782

Action Requested:

Variance - Section 1221 - Business Signs and Outdoor Advertising - Use Unit 1221 - Request a variance to allow for an off site directional sign, located on the NE/c of 41st Street and 79th East Avenue.

Case No. 15782 (continued)

Presentation:

The applicant, Bill Brant, 6566 East Skelly, Tulsa, Oklahoma, stated that he is co-owner of Finger Furniture, which is a rental business. He pointed out that his company services newcomers to the area and has been operating at the present location since 1972. Mr. Brant asked that he be permitted to have a directional sign since the building is not on a main street.

Comments and Questions:

Mr. Chappelle asked Mr. Brant if he has a photograph of the sign and he replied that he does not have a picture, but the size of the sign is approximately 4' by 4'.

Mr. Jackere asked the applicant if he is asking permission to put a sign on his property and Mr. Brant answered that the sign would not be on his property, but an off-premise directional sign. He pointed out that his clients have a problem locating the business in the Industrial Park.

Mr. Gardner informed that the applicant has a directional sign telling where the business is located, but the Building Inspector can not permit it since it is an off-premise sign. He pointed out that Mr. Brant is asking the Board to determine that the sign is a directional sign and not an advertising sign for the business.

Ken Bode, Protective Inspections, informed that the Sign Inspector has requested that the owners remove the sign since it is an off-premise sign without a permit.

The applicant informed that the business has, until recently, been allowed to have 3 directional signs, one at 41st Street and 79th East Avenue, one at 38th Street and one on the property in front of the building.

Mr. Jackere asked Mr. Brant if he was given BOA approval to use the property for a furniture rental business. The applicant answered that the business moved in several years ago and he could not remember if the company had acquired Board approval when locating in the Industrial area.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to CONTINUE Case No. 13782 to October 24, 1985, to allow the applicant to determine if he has approval for the location of a furniture rental business in an Industrial area and to review the site.

10.10.85:449(17)

Case No. 13783

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212 - Request an exception to allow a bar (sexually oriented business).

Variance - Section 1212.4 - Off Street Parking and Loading Requirements - Use Unit 1212 - Request a variance to allow for off-site parking, located at 10011 East 52nd Street.

Presentation:

The applicant, Stanley Taapken, 1520 South 79th East Avenue, Tulsa, Oklahoma, asked the Board to allow a sexually oriented bar with nude dancers in an IL district. The applicant stated that he operates a legitimate business and will provide a security patrol to be on the premises during hours of operation. He informed that there is adequate parking on the tract for all of his clients.

Comments and Questions:

Ms. Bradley asked Mr. Taapken what hours the bar would be open and he informed that it would be operating from 12:00 p.m. to 2:00 a.m., but would be willing to alter the hours if required by the Board.

Mr. Clugston asked the applicant why he is relocating his business. Mr. Taapken informed that he operates the Cosmic Kitty, which is across from the Fontana Shopping Center, and has lost his lease.

Ms. Bradley asked the applicant to state the approximate number of clients he expects to have during the course of an evening. He answered that from 150 to 175 people come to the bar during the operating hours and stated that the seating capacity for the bar is about 175 to 200.

Ms. Wilson asked the applicant if there are 2 buildings on the subject tract and the applicant answered in the affirmative.

Ms. Wilson asked which building the bar will occupy and the applicant replied that he believes he will use the east building.

Ms. Bradley asked Mr. Taapken if the building to the west is vacant and he answered that it is occupied by a delicatessen warehouse.

Protestants:

James Whitehead, 9212 East 52nd Street, Tulsa, Oklahoma, submitted a petition of protest (Exhibit J-1) and stated that he is a property owner at 10061 East 52nd Street and strongly objects to the location of the bar in the Industrial area. Mr. Whitehead informed that there are 3 or 4 lots between his property and the proposed location of the bar. He stated that he would be concerned with leaving his vehicles outside with the bar in the area.

Case No. 13783 (continued)

Ms. Bradley asked Mr. Whitehead what type of business he operates and he answered that he is a mechanical contractor, usually operating from 8 a.m. to 5 p.m., but sometimes doing evening work.

James Paschal, 5430 East 111th Place, Tulsa, Oklahoma, stated that he owns and operates a wholesale carpet business on 52nd Street and pointed out that the sexually oriented bar is not compatible with the other businesses in the area. Mr. Paschal said that, in his opinion, the bar will be detrimental to the Industrial district.

Ted Jones, 7666 East 61st Street, Tulsa, Oklahoma, represented the Trammel-Crow Company, property managers for the 52nd Street Warehouse, which is located across the street from the proposed location of the bar in question. Mr. Jones pointed out that the bar does not conform to the land use of the Industrial district and he is concerned that there will be overflow parking on their property across the street. He explained that many of the businesses operate in the evening and would not want to contend with the bar clients.

Ms. Bradley asked Mr. Jones if he would object to a Quik-Trip Store in the area and he replied that he does not think it would have the repercussions that the bar would have, but he would object to a convenience store in an Industrial area.

Larry Neff, 9144 East 115th Street, Tulsa, Oklahoma, stated that the clients would have to park all around his buildings to the east because there is insufficient onsite parking for the proposed bar.

Applicant's Rebuttal:

The applicant informed the Board that he has adequate parking for his clients and will provide security during business hours and 1 additional hour after closing.

Board Action:

Ms. Bradley's motion to approve the application died for lack of a second.

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 4-1-0 (Chappelle, Clugston, White, Wilson, "aye"; Bradley, "nays"; no "abstentions"; none "absent") to **DENY** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212) to allow a bar (sexually oriented business); and to **WITHDRAW** a **Variance** (Section 1212.4 - Off Street Parking and Loading Requirements - Use Unit 1212) to allow for off site parking; finding the sexually oriented bar is not compatible with the Industrial area at this location and that the special exception request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 5, Block 2, Tulsa SE Industrial District Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13784

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow mobile home in an RM-1 zoned district.

Variance - Section 440 - Accessory Uses Permitted In Residential Districts - Use Unit 1209 - Request a variance of the time regulation from 1 year to permanent, located at 2039 North Fulton.

Presentation:

The applicant, George Davis, 801 North Mingo, Tulsa, Oklahoma, asked the Board to permit him to park a mobile home on property he has purchased at the above stated address.

Comments and Questions:

Mr. Chappelle asked if there are other mobile homes in the area and the applicant replied that there are many mobiles at various locations in the area.

Ms. White asked Mr. Davis why he is requesting the variance of the time regulation from 1 year to permanent. The applicant explained that he intends to build a home on the property as soon as he is financially able.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-1-0 (Chappelle, Clugston, White, Wilson, "aye"; Bradley, "nay"; no "abstentions"; none "absent") to APPROVE a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow mobile home in an RM-1 zoned district; and to DENY a **Variance** (Section 440 - Accessory Uses Permitted In Residential Districts - Use Unit 1209) of the time regulation from 1 year to permanent; subject to a Building Permit and Health Department approval; subject to the execution of a removal bond; finding that the granting of the special exception request will not be injurious to the neighborhood and is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 4 and 5, Block 18, Original Town of Dawson, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13785

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for a church and related uses, located on the SW/c of 36th Street North and Birmingham Place.

Case No. 13785 (continued)

Presentation:

The applicant, Stanfield Elliott and Associates, was represented by Bill Elliot, 1424 South Utica, Tulsa, Oklahoma, who submitted a plot plan (Exhibit XX-1) for an expansion to an existing church.

Comments and Questions:

Mr. Clugston asked the applicant if there is sufficient parking for the new addition and he answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-1 (Chappelle, Clugston, White, Wilson, "aye"; no "nays"; Bradley, "abstaining"; none "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for a church and related uses; per plot plan submitted; on the following described property:

Lots 1 - 4, Block 5, Ronzeau Court Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13786

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial District - Use Unit 1214 - Request an exception to allow retail in an IL zoned district, located at 4343 South Memorial.

Presentation:

The applicant, Harold Burlingame, was represented by Attorney Bill Doyle, 201 West 5th Street, Tulsa, Oklahoma. He stated that the tract of land in question is located on Memorial and is south of Precision Imports Automobile Sales. Mr. Doyle asked that his client be granted the special exception in order that he could complete his lease agreement with Southwestern Bell Telephone Company. He explained that the company will sell and repair modular telephones in the building.

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 APPROVE a Special Exception (Section 910 - Principal Uses Permitted in Industrial District - Use Unit 1214) to allow retail (Use Unit 14) in an IL zoned district; on the following described property:

Lots 1 - 8, Block 1, Memorial Industrial Park, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13787

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow the sale of Christmas trees for the 1985 season, located on the SE/c of 41st and Harvard.

Presentation:

The applicant, Southwest Nursery, was represented by J. D. Spencer, 5401 West Skelly Drive, Tulsa, Oklahoma, who asked the Board to allow the sale of Christmas trees at 41st Street and Harvard, from November 25, 1985 to December 24, 1985.

Comments and Questions:

Mr. Clugston asked Mr. Spencer if this years operation is different in any way from last years sale of Christmas trees, and the applicant replied that the procedure has not changed.

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 APPROVE a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow the sale of Christmas trees for the 1985 season; on the following described property:

Lot 1, Block 1, Villa Grove Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13788

Action Requested:

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 existing elementary school, located at 6646 South 73rd East Avenue.

Presentation:

It was requested that Case No. 13788 be continued until October 24, 1985, as the case was not properly advertised.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, Clugston, Wilson, "aye"; no "nays"; no "abstentions"; White, "absent") to CONTINUE Case No. 13788 to

Case No. 13788 (continued)

October 24, 1985, in order that the case could be properly advertised.

Case No. 13789

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow a mobile home in an RS district.

Variance - Section 440 - Accessory Uses in Residential Districts - Use Unit 1209 - Request a variance of the time regulation from 1 year to permanent.

Variance - Section 208 - One Single Family Dwelling per lot of record - Use Unit 1209 - Request a variance to allow more than 1 dwelling (7 houses, 2 mobile homes) on 1 lot of record, located west of the SW/c of 95th East Avenue and 42nd Street North.

Presentation:

The applicant, Gary Purdue, 1132 North 147th East Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit K-2) and stated that he owns the property in question. He informed that the houses have been there approximately 30 years and he was sited when he replaced a trailer that had moved out. Mr. Purdue stated that he was not aware he was doing anything wrong.

Protestants: None.

Comments and Questions:

Ms. Wilson asked the applicant if he lives on the property in question and he replied that at one time he lived on the property, but does not reside there at the present time.

Ms. Wilson pointed out there are numerous Code violations and Mr. Purdue explained that he is taking care of these violations.

Mr. Chappelle informed that Code Enforcement has received a letter of complaint (Exhibit K-1) concerning the subject property.

Ms. White asked the lot sizes and Purdue informed that they are approximately 150' by 50'.

Mr. Gardner pointed out that the property is 424' by 185' and that the applicant actually has sufficient space for 11 units.

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

10.10.85:449(23)

Case No. 13789 (continued)

"abstentions"; none "absent") to APPROVE a Special Exception - (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow a mobile home in an RS district; and to DENY a Variance (Section 440 - Accessory Uses In Residential Districts - Use Unit 1209) of the time regulation from 1-year to permanent; and to APPROVE a Variance (Section 208 - One Single Family Dwelling per lot of record - Use Unit 1209) to allow more than 1 dwelling (7 houses, 2 mobile homes) on 1 lot of record; finding that the mobiles have been in place for many years and that the granting of the special exception request will be in harmony with the spirit and intent of the Code and the Comprehensive plan; on the following described property:

Lot 7, Block 2, Mohawk Village Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13790

Action Requested:

Special Exception, Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209 - Request a special exception to allow a mobile home on an RS-3 zoned property.

Use Variance - Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1209 - Request a use variance to allow for a mobile home in an IL zoned district, located west of the NW/c of Ute Street and Lewis Avenue.

Presentation:

The applicant, Mary Ashworth, was represented by Attorney Don Edwards, 1411 North Evanston, Tulsa, Oklahoma, who explained that his client is requesting that she be allowed to have 2 mobile homes on her lot at the above stated address. He stated that the lot is long and narrow, with the narrow portion fronting on Ute. Mr. Edwards noted that there are numerous business operations in the area, one located to the north of the subject property and an automobile repair shop to the south.

Comments and Questions:

Mr. Clugston asked Mr. Edwards if the property is divided into 2 lots, and he replied that the property is actually one lot which is made up of 2 lots, one of which is 40' wide and one 70' wide.

Ms. Bradley asked how large the trailers would be, and Mr. Edwards informed that they are 72' long and 14' wide.

Protestants: None.

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 allow a mobile home in an RS-3 zoned district; and

Case No. 13790 (continued)

to APPROVE a Use Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1209) to allow for a mobile home in an IL zoned district; subject to a removal bond; subject to Building Permit and Health Department approval; subject to a time limitation of 1 year; on the following described property:

The west 40' of the south 228.08' of the W/2, Lot 3 and the south half of the east 70' of Lot 4, Block 1, Conservation Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13791

Action Requested:

Use Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1217 - Request a use variance to allow a 1 day automobile sale, located on the SW/c of 41st Street and Yale Avenue.

Presentation:

The applicant William F. Booth, was represented by Harry Avey, Manager of the Red Crown Federal Credit Union, 521 South Boston, Tulsa, Oklahoma. He asked the Board to allow a 1 day automobile sale of Hertz used cars on the Amoco Research Center parking lot, 41st Street and Yale Avenue. Mr. Avey stated that the car sale will be for members of the credit union and will be on November 9, 1985, from 9 a.m. to 2 p.m.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Use Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1217) to allow a 1 day automobile sale; subject to the automobile sale being conducted only on November 9, 1985 from 9 a.m. to 2 p.m.; on the following described property:

An employee parking lot lying on the Tulsa Research Center property in Tulsa County, State of Oklahoma in the NE/4, of the NE/4, and the N/2 of the SE/4 of the NE/4 of Section 28, Township 19 north, Range 13 east, and more particularly described as follows:

Beginning at the northerly most point of a 384' long curb bounding the east side of said parking lot, said NE/c of employee parking lot being west 361' from a point in the centerline of Yale road being 1,100' south of the intersection of the centerlines of Yale Avenue and 41st Street also being the NE/c of said Section 28; thence, south along centerline of said curb 361' to southerly most point of said curb; thence, with a right deflection angle of 90° 209' to corner of curb bounding the west side of said parking lot; thence, with a right deflection angle of 90° 361' along and beyond said curb

Case No. 13791 (continued)

to a point; thence, with a right deflection angle of 90° 209' to the point of beginning of said parking lot containing 75,449 sq. ft. more or less.

Case No. 13792

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a children's nursery in an R zoned district, located at 3322 South Jamestown Avenue and 3410 East 33rd Street.

Presentation:

The applicant, W. C. Jones, was represented by Attorney Bob Nichols, 115 West 5th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit L-1) and informed that his client has property on 33rd Street where a day care center has been operating since the 1950's, and also, is proposing a child care facility on Jamestown. Mr. Nichols informed that Mr. Jones has owned the property in question for approximately 1 year.

Comments and Questions:

Ms. Wilson informed that when she viewed the area she counted 7 homes that have been converted to day care facilities.

Ms. Bradley asked Mr. Nichols to clarify the request for the property on 33rd Street. He replied that his client is asking for a special exception to allow a day care center at 3410 East 33rd.

Ms. Bradley asked if the day care center is in operation at at this time, and Mr. Nichols informed that it has been there since 1958 and evidently was overlooked.

Mr. Clugston asked if the two day care facilities are two different businesses. Mr. Nichols replied that they will both be run by the same business, but the operation on Jamestown will be a mother's day out program.

W. C. Jones, 331 South 185th East Avenue, Tulsa, Oklahoma, informed that the Jamestown facility will not be in competition with the other 5 buildings, but will be open from approximately 9 a.m. to 2:30 p.m. and is for mothers that need to leave their children for a short period of time. He pointed out that if this center is approved there will be 6 buildings for child care in the area. Mr. Jones noted that the Wingo family previously owned all of the child care centers, and after selling him 3 of the buildings, continue to operate the remaining two. Photographs and a petition of support were submitted (Exhibit L-2).

Mr. Clugston asked if the mother's day out program is required to be licensed, and Mr. Jones replied that the center does not need a license if the hours of operation are less than 8 hours each day.

Case No. 13792 (continued)

Ms. Bradley asked how many employees would be on duty to care for the 28 children whose ages are from 3 to 4 years. Mr. Nichols informed that there will be 3 employees at the center.

Mr. Chappelle informed that Code Enforcement received a complaint (Exhibit L-3). Mr. Nichols pointed out that an open house was held to talk with the mothers in the neighborhood before attempting to open the center, and that, evidently, some of the residents thought the business was in operation and reported the owner.

Protestants:

Linda and Gary Wingo, 5919 East 87th Street, Tulsa, Oklahoma, submitted a petition of opposition (Exhibit L-4) and stated that they are owners of the property at 3311 South Indianapolis and 3318 South Jamestown. Ms. Wingo stated a concern that the clients of the proposed center will park on her parking lot and cause an inconvenience for her customers. She pointed out that there are no regulations for the number of children and believes the added traffic will be injurious to the neighborhood. Mr. Wingo added that the surrounding neighbors are opposed to another child care center in the area.

Applicant's Rebuttal:

Mr. Nichols stated that the neighbors are in support of the mother's day out center and that the house would retain its residential character and would be harmonious with the area.

Additional Comments:

Ms. Wilson stated that she is concerned with the growing number of nursery centers concentrated in the area and the traffic problem they may create.

Board Action:

On MOTION of CLUGSTON and SECOND by WHITE, the Board voted 4-1-0 (Bradley, Chappelle, Clugston, White, "aye"; Wilson, "nay"; no "abstentions"; none "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205) to allow a children's nursery in an R zoned district; per plot plan; subject to the number of children being 25 and the hours of operation being from 9 a.m. to 2:30 p.m.; subject to Fire Marshall, Building Inspector and Health Department approval; and to APPROVE a Special Exception to allow an existing day care center in an R zoned district, located at 3410 East 33rd Street; on the following described property:

3322 South Jamestown

The north 60' of the south 120', Lot 23, Albert Pike Addition
to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13792 (continued)

3410 East 33rd Street

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

Case No. 13793

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210 - Request a special exception to allow for parking in an RM-2 district.

Variance - Section 1211 - Off-Street Parking and Loading Requirements - Use Unit 1210 - Request a variance to allow for off-site parking, located east of the SE/c of 15th Street and Denver Avenue.

Presentation:

The applicant, Stuart Nyander, 4538 South 23rd West Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1). Mr. Nyander explained that there is a 2 story office building and a house on the site at this time. He asked the Board to allow the use of the lot next door for a private parking lot. Mr. Nyander pointed out that all of the clients have to use the street for parking.

Comments and Questions:

Ms. Bradley asked the applicant what type of offices are located in the building. Mr. Nyander stated that a buyer of the tract has emptied the building and is going to refurbish the interior.

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 Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1210) to allow for parking in an RM-2 district; and to APPROVE a Variance (Section 1211 - Off-Street Parking and Loading Requirements - Use Unit 1210) to allow for off-site parking; per plot plan; subject to the execution of a Tie Contract; finding a hardship imposed on the applicant by the the multiple zoning in the older district; on the following described property:

Lot 10 and 16, Block 3, Stonebraker Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13794

Action Requested:

Variance - Section 270 - Major Street Plan - Use Unit 1221 - Request a variance to allow for 2 directional signs in City right-of-way, located at 2840 East 51st Street.

Case No. 13794 (continued)

Presentation:

The applicant, Property Company of America, was represented by Keith Crutcher, 2431 East 61st Street, Tulsa, Oklahoma, who submitted photographs (Exhibit N-1) and asked that their directional signs be permitted to remain at their present locations. Mr. Crutcher explained that the signs are essential because the property in question is behind an office building.

Comments and Questions:

Ms. Wilson asked if the sign in question is the Brittany Square. The applicant replied that the Brittany Square sign and a temporary leasing sign are the signs that are on the right-of-way.

Mr. Gardner pointed out that the applicant would need approval from the Planning Commission and Mr. Crutcher informed that he has been before the Commission and has their approval.

Ms. Wilson asked the applicant if the sign has ever been permitted, and the applicant stated that it has been in place for three years and that the company has been cited by Code Enforcement, stating that the sign does not have a permit.

Ms. Bradley asked Mr. Crutcher if other signs in the area are on the right-of-way and he answered in the affirmative.

Mr. Bode stated that he was unable to find an application for the Brittany Square sign and the other sign on the property is a Real Estate sign and it does not require a permit from his office.

Ms. Wilson asked Mr. Crutcher why a sign was installed without a permit and he explained that it was assumed, at the time of installation, that the sign company had acquired a permit.

Protestants: None.

Board Action:

On MOTION of CLUGSTON and SECOND by WILSON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Variance (Section 270 - Major Street Plan - Use Unit 1221) to allow for 2 directional signs in City right-of-way; subject to City Commission approval; finding a hardship imposed on the applicant by the location and shape of the lot; on the following described property:

Lot 1, Block 1, Brittany Square Addition, City of Tulsa, Tulsa County, Oklahoma.

10.10.85:449(29)

Case No. 13795

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in a Residential District - Use Unit 1206 - Request a variance of the height restrictions from 35' to 45', located at 7219 South Evanston Avenue.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, submitted a plot plan (Exhibit O-1). Mr. Johnsen informed that he is representing Mr. and Mrs. Edward Taylor, owners of the property in question, and asked the Board to permit the construction of a 10,000 sq. ft. house with a height of 45'. He pointed out that the house will be located on approximately 2 acres of land, being constructed 45' from the north property line and 75' from the southeasterly line.

Comments and Questions:

Mr. Clugston asked Mr. Johnsen to address the hardship. He stated that, in his opinion, a hardship is demonstrated by the unusual shape and the large size of the lot.

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 - Bulk and Area Requirements in a Residential District - Use Unit 1206) of the height restrictions from 35' to 45'; per plot plan submitted; finding a hardship demonstrated by the unusual shape and size of the lot; on the following described property:

Lot 6, Rockwood Hills Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13796

Action Requested:

Variance - Section 620.2 - Accessory Use Conditions - Use Unit 1221 - Request a variance to allow for a 223 1/2 sq. ft. surface area sign and 25' in height in order to replace an existing sign, located at 6565 South Yale Avenue.

Presentation:

The applicant, James Adair, 1783 South Canton, Tulsa, Oklahoma, who represented the American Bank of Tulsa, submitted a plot plan (Exhibit P-1) and photographs (Exhibit P-2). The applicant stated that there is a existing sign on the property which is 20' high. He explained that it is proposed to remove the old sign and replace it with a new one, which will not have more square footage, but will have a metal cover over the pipe for decoration.

Comments and Questions:

Ms. White asked if the new sign will be the same size as the old one, and the applicant stated that it will be the same size except for the metal trim. Mr. Adair explained that the 2 lots could have 2 signs, but that he is only asking for 1 sign.

Case No. 13796 (continued)

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 APPROVE a Variance (Section 620.2 - Accessory Use Conditions - Use Unit 1221) to allow for a 223 1/2 sq. ft. surface area sign and 25' in height in order to replace an existing sign; per plot plan submitted; finding a hardship demonstrated by the size of the complex; on the following described property:

Lot 1, Block 1, The William K. Warren Medical Research Center Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13797

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 20' to 13' and a variance of the livability space from 4,000 sq. ft. to 2,816 sq. ft., located at 9062 East 28th Street.

Presentation:

The applicant, Stan Day, 9062 East 28th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit Q-1) and photographs (Exhibit Q-2). Mr. Day stated that he assumed a building permit was not needed if the construction was being done by the owner. He informed that the addition to his house is already in place, but not complete.

Interested Parties:

Art Draughon, 9071 East 28th Street, Tulsa, Oklahoma, stated that he is a neighbor of Mr. Day and is supportive of the building project. He pointed out that the homeowners of the area are not permitted to construct additional rooms if they are located in the flood zone and that he feels this is an unfair demand.

Mr. Gardner informed that the applicant is required to get an exception through Stormwater Management and the City Commission for any development on the property. He pointed out that the addition is already constructed and a concrete driveway has been poured which leads to the rear of the house, reducing the livability space on the lot.

Applicant's Rebuttal:

Mr. Day pointed out that he and his wife have elderly parents that will probably have to live with them in the near future and the extra living space will be needed in order to care for them.

Case No. 13797 (continued)

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 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of the rear yard setback from 20' to 13' and a variance of the livability space from 4,000 sq. ft. to 2,816 sq. ft.; per plot plan submitted; on the following described property:

Lot 6, Block 4, Longview Acres 4th Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13799

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit - 1206 - Request a use variance to allow for an existing 4-plex in an RS-3 district, located at 9 North College.

Section 1650 - Appeal from Building Inspector's Office decision to revoke a Building Permit.

Presentation:

The applicant, Larry Holmes, was represented by Attorney Mark Conley, 1722 South Carson, Tulsa, Oklahoma, who submitted photographs (Exhibit R-1) and asked the Board to review the revocation of the Building Permit for the subject property. Mr. Conley pointed out that this property is suited for no other use than a multi-family dwelling. He informed that the building has been used for apartments as far back as 1929, but has been vacant for 3 or 4 years. Mr. Conley informed that his client bought the property from the bank, acquired a Building Permit and has spent approximately \$8,000 in renovating the structure. He noted that the building is located in an isolated RS area that has been divided by the expressway and commercial zoning and development on Admiral.

Protestants:

Sherry Grant, 3101 East Admiral Blvd., Tulsa, Oklahoma, stated that she moved to the area in 1983. She stated that the bank had told her, before the sale to Mr. Holms, that the property in question would not be sold for an apartment building because it was not properly zoned for that use. Ms. Grant informed that the building was then sold and work began without the posting of a Building Permit. She voiced a concern that there will be a parking problem in the neighborhood if the 4-plex is allowed.

Vicki Bridwell, 3105 East Admiral Blvd., Tulsa, Oklahoma, stated that she has lived in the neighborhood since 1983 and is concerned that there would not be enough parking available for the tenants of the building and still leave proper access on the street.

Ken Thompson , 2331 East 5th Place, Tulsa, Oklahoma, a representative of Kendall-Whittier Neighborhood Association, pointed

Case No. 13799 (continued)

out that the building is on a small lot and the parking is inadequate for a 4-plex.

Comments and Questions:

Ms. Wilson asked Mr. Thompson what he would suggest could be done with the property in question. Mr. Thompson suggested that a duplex would not create as much of a parking problem as a 4-plex.

Mr. Jackere informed that the reason the permit was revoked after having been issued was because it was issued in error. The property was not used for 36 consecutive months and seeing that a nonconforming use ceases after that length of time, was presumed to be abandoned; however, the 36 months of abandonment can not be due to any governmental action and, as he understands, the Health Department closed the building in 1979. Mr. Jackere pointed out to the Board that they need to determine if the use is nonconforming and if so, they have the right to continue that use.

Board Action:

On MOTION of WHITE and SECOND by CLUGSTON, the Board voted 5-0-0 (Bradley, Chappelle, Clugston, White, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to UPHOLD an **Appeal** (Section 1650 - Appeal from Building Inspector's Office decision to revoke a building permit); and to APPROVE a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit - 1206) to allow for an existing 4-plex in an RS-3 district; finding that the use was considered to be nonconforming; on the following described property:

Lot 29, Block 2, University Park Addition, City of Tulsa, Tulsa County, Oklahoma.

SPECIAL REQUEST

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, 2216 North Xanthus.

Presentation:

Mr. Jones explained that the applicant, Luthie McCallester, did not need the special exception and is asking that the filing fees of \$125.00 be refunded.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-1 (Chappelle, Clugston, White, Wilson, "aye"; no "nays"; Bradley,

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Case No. 13741 (continued)

"abstaining"; none "absent") to APPROVE a Refund of filing fees in the amount of \$125.00; finding that the applicant did not need the relief requested.

There being no further business, the meeting was adjourned at 6:15 p.m.

Date Approved 10-24-85


Chairman

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