

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 451
Thursday, November 7, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman White Wilson	Clugston	Gardner 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, November 5, 1985, at 12:25 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 BRADLEY, the Board voted 3-0-1 (Bradley, Chappelle, Wilson, "aye"; no "nays"; White, "abstaining"; Clugston, "absent") to APPROVE the Minutes of October 24, 1985.

Resolution In Honor of Years of Service for Kathy Purser

Mr. Chappelle thanked Ms. Purser for her 11 1/2 years of service on the Board of Adjustment and presented a Resolution of Appreciation.

Ms. Purser stated that volunteer (Board of Adjustment) government is the arm of the government that touches the people closely and pointed out that she has found that the City employees who help us serve are very conscientious in carrying out their duties.

UNFINISHED BUSINESS

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, Bank of Oklahoma Tower, represented the 11th and Mingo Development Company, the contract purchasers of the subject tract and submitted a plot plan (Exhibit A-1) and a 1983

Case No. 13770 (continued)

aerial photograph (Exhibit A-2). Mr. Cox asked that the variance request be withdrawn. He informed that Stormwater Management has been reviewing the site, but final approval has not been received at this time. It was pointed out that there is a proposal to take the normal flow of the water to a nearby flood buy out area and the developer then plans to dig a channel approximately 400' to Mingo Creek to carry the water out of the area. The applicant stated that the size of the land in question is approximately 6 acres and construction of a mini-storage facility is planned. He noted that the subject property is zoned CS, with an abandoned drive-in theater located to the east, to the south a portable building sales business and the Rosewood Shopping Center on the northwest corner. Mr. Cox informed that the plan submitted to the Board illustrates that 8,800 sq. ft. will be retail area, 72,000 sq. ft. reserved for mini-storage and caretakers quarters and 1,625 sq. ft. for office use. He explained that there are 260 parking spaces for the development which is adequate for the project. Mr. Cox pointed out that hours of operation will be from 7 a.m to 7 p.m. and that access to the mini-storage will be from 11th Street, with an emergency entrance on Mingo. The entire storage facility will be enclosed by a chain link fence, with a 6' privacy fence placed between the retail building and the Bennett property.

Protestants:

Attorney Ron Bennett, 5321 South Sheridan, Tulsa, Oklahoma, represented Gilbert and Dorothy Bennett, who reside at and operate Elms Court. He informed that there is 1 frame house, 2 mobile homes, 3 apartments and 1 duplex located on the Bennett property. In 1980 the Building Inspector sited the Bennetts for having multi-family units on the property and Mr. Bennett stated that, in his opinion, the use was determined to be nonconforming at that time, but his clients have been sited again. He pointed out that all of the subject tract has been filled and is approximately 3' to 4' higher than the Bennett property, therefore, causing a possible water problem. If the request is approved, Mr. Bennett asked the Board to require the applicant to install chain link fencing, direct the security lights away from the residences, direct drainage away from the Bennett property, to limit the hours of operation to daytime hours and to have the drainage ditch be constructed simultaneously with the erection of the buildings, but noted that his clients believe the tract in question can be adequately developed under the present zoning.

Comments and Questions:

Ms. Bradley asked if the applicant needs Board approval for the caretaker's quarters. Mr. Jackere informed that the quarters could be determined by the Board to be an accessory use to the principal mini-storage use.

Ms. Bradley asked the applicant if a stormwater pipe would be placed under Mingo Road and into Mingo Creek. Mr Cox replied that a pipe approximately 54" inches in diameter would be installed to carry run-off water to Mingo Creek.

Case No. 13770 (continued)

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted In the Commercial Districts - Use Unit 1217) to allow a mini-storage in a CS zoned district; and to WITHDRAW a Variance (Section 1217.3 - Use Conditions - Use Unit 1217) to allow outdoor storage within 300' of an R district; per plot plan; subject to approval of Stormwater Management; subject to chain link screening with metal slats being placed on the north and west boundaries of the mini-storage property; subject to installation of a wooden screening fence between the retail use and the Bennett property (out tract); subject to all exterior lighting being directed away from the Bennett property; subject to hours of mini-storage operation being from 7 a.m. to 7 p.m.; and subject to drainage plan requirements being approved by Stormwater Management and installed simultaneously with the construction; on the following described property:

All that part of the SW/4 SW/4 SW/4 in Section 6, Township 19 North, Range 14 East according to the Official U. S. Government Survey thereof; and all of Lot 2, Block 1, Wiley's Addition, According to the Official Recorded Plat thereof; more particularly described as follows, TO-WIT:

Beginning at the NW/c of said Lot 2 (the true Point of Beginning); thence N 89°58'38" E along the northerly boundary of said Lot 2 a distance of 363.51' to a point; thence due south along the east boundary of said Lot 2 and part of said SW/4 SW/4 SW/4 a distance of 895' to a point 75.00' from the south boundary of said SW/4 SW/4 SW/4 423.51' east of the SW/c thereof; thence S89°58'38"W parallel to and 75.00' from the south boundary of said SW/4 SW/4 SW/4 a distance of 153.51' to a point 270' from the west boundary of said SW/4 SW/4 SW/4; thence due north a distance of 274.50'; thence S89°58'38"W a distance of 205.00' to a point 65.00' from the west boundary of said SW/4 SW/4 SW/4 and 349.50' north of the SW/c thereof; thence due north parallel to and 65.00' from the west boundary of said SW/4 SW/4 SW/4 a distance of 125.80' to the SW/c of said Lot 2; thence along the west boundaries of said Lot 2 as follows; due north a distance of 204.70'; thence S89°58'38"W a distance of 5.00'; thence due north a distance of 290.00' to the Point of Beginning.

AND,

The east 55' of the west 270' of the south 215' of Lot 11, SW/4 SW/4 of Section 6, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, LESS the south 75' thereof.

Case No. 13770 (continued)

AND,

A tract of land in the SW/4 SW/4 SW/4 of Section 6, Township 19 N, Range 14 E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to-wit: Beginning at the SW/c of said Section 6; thence east along the south line thereof 215'; thence north parallel to the west line of said Section a distance of 215'; thence west parallel with the south line of said Section, 215' to the west line of said Section; thence south along the west line of said Section, 215' to the Point of Beginning.

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 35' to 31', located on the SE/c of 14th and Pittsburg.

Presentation:

The applicant, Lillian Jones, 1401 South Pittsburg, Tulsa, Oklahoma, who submitted a plot plan (Exhibit B-1) and photographs (Exhibit B-2), stated that she would like permission to remove the north end of her garage and extend it 13'.

Comments and Questions:

Ms. White asked the applicant if she intends to make a two-car garage and Ms. Jones answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of setback from the centerline of 14th Street from 50' to 31'; per plot plan submitted; finding a hardship imposed on the applicant by the corner lot with setbacks from 2 streets; on the following described property:

Lot 11, Block 3, Electra 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

11.07.85:451(4)

Case No. 13788 (continued)

to allow a day care center in an existing elementary school, located at 6646 South 73rd East Avenue.

Comments and Questions:

There was discussion as to whether the property owners had received adequate notice of the public hearing since it has been continued twice because the original legal description was incomplete. The Board agreed to hear the case at this time.

Presentation:

The applicant, Anita Branchley, 2917 South 124th East Avenue, Tulsa, Oklahoma, asked the Board to allow her to operate a day care center in Grissom Elementary School. She informed that the center will accommodate from 60 to 90 children, but will initially serve only 40, and days of operation will be Monday thru Friday, from 7 a.m. to 6 p.m.

Additional Comments:

Ms. Bradley asked the applicant if she will be licensed by the State and she answered that she does have a State license.

Protestants: None.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a day care center in an existing elementary school; subject to a maximum of 90 children; and subject to days and hours of operation being Monday thru Friday, from 7 a.m. to 6 p.m.; finding that the granting of the special exception request would not be detrimental to the neighborhood; on the following described property:

Commencing at the SE/c of Lot 2, Block 1 of Park Plaza South, an addition to the City of Tulsa, Oklahoma; thence west along the south line thereof a distance of 14.92'; thence due north a distance of 120.00' to the point of beginning; thence due north a distance of 48.74' to a point of curve; thence along said curve to the right, said curve having a central angle of 9°00'53", a radius of 315.00' for a distance of 49.56' to a point of tangent; thence north 9°00'53" East a distance of 17.00' to a point; thence south 3°15'58" West a distance of 115.08' to the point of beginning, containing 225 sq. ft. more or less; City of Tulsa, Tulsa County, Oklahoma.

Case No. 13801

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the maximum permitted 750 square feet for a detached accessory building to 1976 square feet.

11.07.85:451(5)

Case No. 13801 (continued)

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Request a variance of the 60' setback from the centerline of Boston Avenue to 50' and a variance of the required 3' setback from an interior lot line for a detached structure to 2.3' to allow an existing structure, located at 2672 South Boston.

Presentation:

The applicant, Stan Doyle, 2672 South Boston, Tulsa, Oklahoma, asked the Board to allow him to construct a 6 car garage on his property at the above stated address. A plot plan was submitted (Exhibit C-1).

Comments and Questions:

Mr. Chappelle asked the applicant if there are any lots in the area that are as large as the subject tract. Mr. Doyle replied that his next door neighbor has a 24 acre tract and the neighbor on the north side has approximately 3 acres.

Ms. Wilson asked Mr. Doyle to state the amount of floor space on the 2nd story of the new addition, and he stated that the upper floor will be the same as the lower portion of the garage.

Mr. Gardner pointed out to the Board that this particular tract is unique in the fact that it is much larger than most of the lots in the area.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the maximum permitted 750 square feet for a detached accessory building to 1976 square feet; and to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in the Residential Districts) of the 60' setback from the centerline of Boston Avenue to 50' and a variance of the required 3' setback from an interior lot line for a detached structure to 2.3' to allow an existing structure; per plot plan; finding a hardship demonstrated by the large size of the lot; on the following described property:

Tracts A, B & C, Block 17, Riverside Addition, City of Tulsa, Tulsa County, Oklahoma.

11.07.85:451(6)

Case No. 13811

Action Requested:

Special Exception - Section 440 - Special Exception Uses Permitted in Residential Districts - Use Unit 1213 - Request a special exception for a home occupation to allow for a beauty shop, located at 3123 West 41st Street.

Presentation:

Kathy Anthamatten, 3123 West 41st Street, Tulsa, Oklahoma, stated that she would like permission to have a beauty salon in her garage which is located to the rear of her lot. She explained that the garage door will be removed and a conventional door installed at the entrance to the salon. The hours of operation will be Tuesday thru Saturday, 10 a.m. to 6 p.m.

Comments and Questions:

Ms. Wilson asked the applicant how many chairs will be in the shop, and Ms. Anthamatten answered that there will be only one chair, with no more than 2 customers at any given time.

Ms. White asked the applicant if she is familiar with the Home Occupation Guidelines, and she answered in the affirmative.

Ms. Wilson inquired if there are other businesses in the neighborhood. She replied that there are a few home shops in the area.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 3-1-0 (Bradley, Chappelle, White, "aye"; Wilson, "nay"; no "abstentions"; Clugston, "absent") to **APPROVE** a Special Exception (Section 440 - Special Exception Uses Permitted in Residential Districts - Use Unit 1213) for a home occupation to allow for a beauty shop; subject to to 1 chair only and hours of operation being from Tuesday thru Saturday, 10 a.m. to 6 p.m.; finding that the granting of the special exception request will not be injurious 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:

W/2, Lot 4, Block 48, Town of Red Fork Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13819

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1221 - Request a variance of setback from 10' to 0' from abutting R district (I-44) to allow for a sign.

Variance - Section 1221(a) - CS District Use Conditions of Business Signs - Use Unit 1221 - Request a variance to allow a 50' sign height with 0' setback.

Case No. 13819 (continued)

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request a variance of lot frontage on South Yale Avenue from 150' to 56.8' and on I-44 service road from 150' to 74.63' to allow for a lot split, located at 4717 South Yale Avenue.

Comments and Questions:

Mr. Jones informed that the applicant has withdrawn Lot Split Application, No. 16555 (Exhibit D-3).

Presentation:

The applicant, Bryan Todd, 3140 South Winston, represented Whitco and asked the Board to allow a motel sign on the subject tract, which would vary from the sign permit they now have. Mr. Todd requested that the sign be allowed 10' back from the north property line. He informed that Burger King is located to the south of the subject tract and Hilton Inn to the east. Mr. Todd explained that Skelly Drive is approximately 15' to 20' high at this location, therefore, the 50' height is needed to insure visibility. A plot plan (Exhibit D-1) and photographs (Exhibit D-2) were submitted.

Additional Comments:

Mr. Chappelle asked the applicant to explain where the sign could be placed by right. Mr. Todd replied that it could be placed 10' south of the property line.

Mr. Gardner asked the applicant to address the hardship for moving the sign out 10', and he explained that the Burger King sign blocks their visibility.

Mr. Gardner asked if the variance is granted will the sign in question then block the Burger King sign. Mr. Todd informed that there is partial blockage, but said he is unable to determine just how much blockage would occur without having the sign in place.

Mr. Jackere pointed out that, apparently, the location is not an ideal one and it appears that the owner built the hotel knowing that, and therefore, the hardship seems to be self imposed. He informed that the sign would have to be placed 20' from the property line to be allowed the 50' height.

Ken Bode, Protective Inspections, informed that the hotel has a sign permit for a 50' sign with a 10' setback, and that the sign for Burger King was permitted several years ago for 55' in height.

Staff discussed the interpretation of the sign requirements.

Mr. Jackere quoted a provision stating that a ground sign shall not exceed 30' in height unless, in addition to the minimum setback of half the right-of-way, the height can be increased 1 foot for every additional 1' of setback, which would allow a 40' sign, 10' back from the property, in this case.

Case No. 13819 (continued)

Mr. Gardner informed that a 30' sign could be located on the property line if the expressway was not there, but in this case must be moved back 10'. A 50' sign would need to be set back 20'.

Protestants:

Louanna Hamill, 202 West 8th Street, Tulsa, Oklahoma, represented Burger King and stated that she is objecting to the sign in question because it will block their sign.

Frank Keating, 1 Oak Plaza, Tulsa, Oklahoma, represented the Hilton Inn and stated that his client is against the placing of the sign at the proposed location. He suggested that the sign be placed on Yale so it would advertise the Best Inn property and not the property belonging to Hilton Inn.

Terry Dean, 1210 East Knob Hill, Springfield, Missouri, pointed out that the sign on top of Burger King is higher than 50'.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to DENY a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1221) of setback from 10' to 0' from abutting R district (I-44) to allow for a sign; and to DENY a Variance (Section 1221(a) - CS District Use Conditions of Business Signs - Use Unit 1221) to allow a 50' sign height with 0' setback; and to STRIKE a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of lot frontage on South Yale Avenue from 150' to 56.8' and on I-44 service road from 150' to 74.63' to allow for a lot split; on the following described property:

A strip, piece or parcel of land lying in part of the NW/4 SW/4 of Section 27, T-19-N, R-13-E, in Tulsa County, Oklahoma, said parcel of land being described by metes and bounds as follows: Beginning at a point 50.00' east of the west line and 1,030.50' south of the north line of said NW/4 SW/4 of said Section 27; N 55°13'45" E a distance of 181.39'; thence N 0° 33'30" W a distance of 121.21'; thence N 89°26'30" E a distance of 74.63'; thence S 0°30'44" E a distance of 130.00'; thence N 89°26'30" E a distance of 175.47'; thence S 0°33'30" E 400'; thence N 0°33'30" W a distance of 150.00'; thence S 89°26'30" W a distance of 56.80' to the Point of Beginning and containing 63,364.18 sq. ft. or 1.4546 acres more or less.

MINOR VARIANCES AND EXCEPTIONS

Case No. 13820

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the required

Case No. 13820 (continued)

setback from the centerline of Harvard Avenue from 85' to 84' to allow for an existing dwelling, located at 3239 East 69th Street South.

Presentation:

The applicant, Floyd Sessions, 5845 South Maplewood, Tulsa, Oklahoma, who submitted a plot plan (Exhibit E-1), explained to the Board that he sold his home on September 28, 1985 and the survey revealed that the house is 3 1/2 inches closer to the centerline of Harvard than is allowed.

Comments and Questions:

Ms. Wilson asked the applicant if he is in need of the variance to clear title and he answered in the affirmative.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required setback from the centerline of Harvard Avenue from 85' to 84' to allow for an existing dwelling; per plot plan; on the following described property:

Lot 1, Block 1, Southern Oaks Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13831

Action Requested:

Minor Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of required lot width from 60' to 50' for a lot split approved by TMAPC, located at 6005 South 33rd West Avenue.

Comments and Questions:

Mr. Gardner informed that physically there are two single family dwellings and they are splitting the lot so they can convey title to each of the houses.

Presentation:

The applicant, Orval Cothran, 506 West 46th Street, Sand Springs, Oklahoma, stated that he is planning to sell one of his dwellings and asked the Board to grant a lot split.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Minor Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of required lot width from 60' to 50' for a lot split approved by TMAPC; on the following described property:

Case No. 13831 (continued)

Lot 12 and the North 25' of Lot 13, Block 1, Summit Parks Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13832

Action Requested:

Minor Variance - Section 710 - Principal Uses Permitted In Commercial District - Use Unit 1221.3(f) - General Use Conditions for Business Signs - As Provided by Section 1670 - Requests a minor variance of the required 60' setback to 50' from the centerline of 71st to allow for the replacement of the face on an existing sign, located at 6577 East 71st Street.

Presentation:

The applicant, Chuck Hendrickson, 1403 South Elm, Ottawa, Kansas, who represented Braum's Ice Cream Store, submitted a plot plan (Exhibit F-1). Mr. Hendrickson asked the Board to allow a new sign to be placed on existing poles which are 50' from the centerline of 71st Street.

Comments and Questions:

Mr. Chappelle asked the applicant if there will be a change in the size of the sign. Mr. Hendrickson replied that the new sign will be 3' taller and 20 sq. ft. larger than the existing sign.

Mr. Gardner informed that a removal contract would need to be executed and suggested to the applicant that he might want to investigate the latest plans for the street widening before replacing the sign.

Ken Bode, Protective Inspections, informed that a sign permit was automatically denied because it did not meet the criteria of a replaced face with the new 60' setback.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Minor Variance** (Section 710 - Principal Uses Permitted In Commercial District - Use Unit 1221.3(f) - General Use Conditions for Business Signs - As Provided by Section 1670) of the required 60' setback to 50' from the centerline of 71st to allow for the replacement of the face on an existing sign; per drawing submitted; subject to the execution of a removal contract;

East 150' of Lot 5, Block 1, Plaza Village Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 13821

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212 - Request a special exception to allow for a restaurant in an IL zoned district, located at 4320 South Mingo.

Presentation:

The applicant, Joe Schuman, was represented by Richard Riddle, 5314 South Yale, Tulsa, Oklahoma, who submitted photographs (Exhibit G-1). He stated that his client is proposing a 1,050 sq. ft. barbeque restaurant, which will have no more than 4 employees and a seating capacity of approximately 60 people. Mr. Riddle stated that the proposed hours of operation are from 11 a.m. to 9 p.m. p.m., Monday thru Saturday, and will open on Sunday from 12 a.m. to 3 p.m., on a trial basis.

Comments and Questions:

Ms. Bradley asked Mr. Riddle if a new building will be constructed for the restaurant. He informed that his client is renting space in an existing complex.

Mr. Gardner asked Mr. Riddle to state the amount of space being rented and he replied that there is approximately 1,800 sq. ft. of floor space.

Ms. Wilson asked if there are other restaurants in the area and Mr. Riddle replied that there is one to the south and another to the east of the subject site.

Mr. Gardner pointed out that this type of restaurant would be the kind of use that was contemplated when the ordinance was structured to allow certain commercial uses by exception in an Industrial area. He suggested that, if approved, it should be limited to 2,200 sq. ft. in order to have ample parking.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1212) to allow for a restaurant in an IL zoned district; subject to restaurant space being no more than 2,200 sq. ft.; and subject to days and hours of operation being Monday thru Saturday, from 11 a.m. to 9 p.m. and Sunday, 12 a.m. to 3 p.m.; on the following described property:

11.07.85:451(12)

A tract of land in the E/2 of the E/2 of the NE/4 of Section 25, T-19-N, R-13-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Commencing at the SE/c of the NW/4 of Section 25, T-19-N, R-13-E, Tulsa County, State of Oklahoma; thence N 0°08'44" W along the east line of Section 25, a distance of 1,281.50' to a point, said point being on an extension of the southerly right-of-way line of the Broken Arrow Expressway; thence N 67°01'44" W a distance of 108.73' to the point of beginning, said point being the point of intersection of the southerly line of the Broken Arrow Expressway and the westerly right-of-way line of South Mingo Road; thence S 0°08'44" E a distance of 270.71' to a point; thence S 80°52'02" W a distance of 229.96' to a point; thence N 0°07'58" W a distance of 368.79' to a point on the southerly line of the Broken Arrow Expressway; thence S 67°01'44" E a distance of 249.95' to the point of beginning and containing 73,519.54 sq. ft. or 1.688 acres more or less.

Case No. 13822

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of the 5' required side yard setback to 3.4' to clear title on an existing garage, located at 2530 South 126th East Avenue.

Presentation:

The applicant, Rich Howse, 7622 East 49th Street, Tulsa, Oklahoma, submitted a plat of survey (Exhibit H-1) and asked the Board to grant the variance requested in order to clear the title.

Comments and Questions:

Mr. Chappelle asked Mr. Howse if any physical changes will be made to the house and the applicant informed that no changes would be made.

Ms. Wilson inquired as to when the house was built and the applicant answered that it is approximately 25 to 30 years old.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of the 5' required side yard setback to 3.4' to clear title on an existing garage; per survey submitted; on the following described property:

Lot 9, Block 6, Stacy Lynn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13823

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 and 1221 - Request a use variance to allow outdoor advertising in an RS-2 zoned district, located at 6363 South Trenton.

Presentation:

The applicant, Jack Ojahia, 13616 East 96th Street North, Owasso, Oklahoma, submitted photographs (Exhibit I-1) and explained that a scoreboard was donated to Metro Christian School for installation 13' to the south of the end zone on the football field. He noted that another sign was placed on the field that states the name of the team. The applicant asked the Board to grant the school permission to leave the signs in their present location.

Case No. 13823 (continued)

Comments and Questions:

Ms. Bradley asked Mr. Ojahla if there are other signs on the school property in addition to the two signs already mentioned. The applicant replied that the scoreboard sign is 18' long and 10' high and there are 4 advertising signs attached, which are in 9' sections and are 30" high. He stated that the sign which notes the name of the football team has 2 advertising signs. Mr. Ojahla pointed out that he was before the Board on another matter, when he was told that the school has a problem with the signs. He was then informed that the advertising signs could not be placed where they are visible from the road, but suggested that the 40 acre tract is approximately 1/4 mile from a main street and screened by large trees.

Comments and Questions:

Ms. Wilson asked the applicant to state the distance between the signs in question and the residential neighborhood. Mr. Ojahla informed that the signs are 700' from the area residences.

Ms. Wilson asked if the signs were permitted and the applicant stated that he was unaware a permit was required since the advertisers donated the signs and contributed to the school in exchange for billboard advertising.

Ms. Wilson asked who installed the signs and the applicant replied that the school staff and maintenance workers did the installation.

Ms. White stated that she has no objection to the scoreboard, but is opposed to the freestanding advertising signs.

Ken Bode, Protective Inspections, stated it has been reported to him that the signs are visible from the street or otherwise would be permitted by right.

Ms. Hubbard stated that she had reviewed the area and that the signs were not visible from Peoria or 61st Street and Mr. Bode informed that it was reported that the signs were visible from one of the interior streets.

Mr. Ojahla pointed out that Union School has a bank advertising on top of their scoreboard.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to DENY a Use Variance (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 and 1221) to allow outdoor advertising in an RS-2 zoned district; finding that the scoreboard, with incidental advertising, is an approved accessory use, but finding that the freestanding advertising signs are visible from the interior street

Case No. 13823 (continued)

and therefore, not in harmony with the spirit and intent of the Code and the Comprehensive Plan; 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' 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' to a point thence North 89°44' East a distance of 100'; thence South 0°13' East a distance of 50'; thence South 89°44' West a distance of 100'; thence South 0°13' East a distance of 325'; thence North 89°44' East a distance of 100'; thence South 0°13' East a distance of 100'; thence North 89°44' East a distance of 225'; thence North 0°13' West a distance of 100'; thence North 89°44' East a distance of 150'; thence South 0°13' East a distance of 100'; thence North 89°44' East a distance of 844.6' to the SE/c of said SE/4 of the NW/4; thence North 0°13' West a distance of 1321.8' to the point of beginning.

Case No. 13824

Action Requested:

Special Exception - Section 420 - Accessory Uses In Residential Districts - Section 440.2 - Special Exception Uses In Residential Districts, Requirements - Use Unit 1206 - Request a special exception to allow an existing one-man shop (upholstery) home occupation in an RS-3 zoned district, located at 122 South Sandusky.

Presentation:

The applicant, Dennis Holt, 122 South Sandusky, Tulsa, Oklahoma, submitted photographs (Exhibit J-1) and letters of support (Exhibit J-2). Mr. Holt asked the Board to allow him to continue the upholstery business he has been operating out of his home for the past 10 years. He explained that his family has owned the property for 22 years and that he has adequate space for the shop which appears to be a part of the house. Mr. Holt informed that his neighbors are supportive of the operation.

Comments and Questions:

Ms. Bradley asked the applicant if he picks up the furniture that he repairs and he informed that he picks up the articles at his clients home.

Mr. Chappelle asked Mr. Holt if he ever has customers come to his shop and he replied that occasionally his clients come to his business to inspect the quality of his work.

Case No. 13824 (continued)

Ms. White asked the applicant if he plans to expand his operation on the lot and he replied that he does not plan an expansion.

Mr. Chappelle asked the applicant if he can live with the Home Occupation Guidelines and he replied that he has been abiding by them and can continue to do so.

Mr. Gardner asked Mr. Holt if he leaves furniture outside his shop and he replied that he does not have outside storage.

Mr. Chappelle submitted a letter from Code Enforcement (Exhibit J-3) stating that Buddy Smith had observed that a business was operating on the Holt property and sited the owner October 7, 1985.

Ms. Wilson asked the applicant how he gets his clients and he replied that he places an ad in the yellow pages and by referrals.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 3-1-0 (Bradley, Chappelle, White, "aye"; Wilson, "nay"; no "abstentions"; Clugston, "absent") to APPROVE Special Exception (Section 420 - Accessory Uses in Residential Districts - Section 440.2 - Special Exception Uses in Residential Districts; Requirements - Use Unit 1206) to allow an existing one-man shop (upholstery) home occupation in an RS-3 zoned district; finding that the business has been in operation for many years; on the following described property:

North 65' of the south 125' of Lots 333, 334, and 335. A subdivision of Lot 6 to 15 in Block 1, Roger's Heights Subdivision in the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13825

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206 - Request a variance of the required 50' setback from the centerline of West 5th Street to 27' and a variance of setback from an alley to 1' 1" to allow for an existing home, located at 4716 West 5th Street.

Presentation:

The applicant, Stephen Johnson, 6554 West Cameron, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-1) and photographs (Exhibit K-2). Mr. Johnson stated that his house encroaches on the street setback and asked the Board to grant a variance.

Case No. 13825 (continued)

Comments and Questions:

Ms. White asked when the house in question was built and the applicant informed that it was constructed approximately 40 years ago.

Ms. Wilson asked if there are similar encroachments in the area and Mr. Johnson answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 430.1 - Bulk and Area Requirements in the Residential Districts - Use Unit 1206) of the required 50' setback from the centerline of West 5th Street to 27' and a variance of setback from an alley to 1' 1" to allow for an existing home; per plot plan submitted; finding that there are similar encroachments in the older area; on the following described property:

Lot 21, 22, Block 10, Verndale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13826

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1213 - Request a variance of the required 100' setback from the centerline of Southwest Boulevard to 50' and the required 100' setback on 65th West Avenue to 55', located at 6500 Southwest Boulevard.

Presentation:

The applicant, Barry Hacker, 314 Lincoln, Sand Springs, Oklahoma, informed that he is proposing a building on the lot at the above stated address.

Comments and Questions:

Mr. Jackere asked Mr. Hacker if his property is in Tulsa City Limits and he answered that it is not. It was determined by Staff that this case should be on the County Board of Adjustment agenda.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to STRIKE Case No. 13826; finding that this case is not in the City Limits of Tulsa and therefore, not under the jurisdiction of this Board.

Case No. 13827

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request a variance of the required setback from the centerline of Cincinnati Avenue from 100' to 50' and on Apache Street from 100' to 40' to allow for existing building and planned addition, located at 2606 North Cincinnati Avenue.

Presentation:

The applicant, Tim Watson, 5409 North Garrison, Tulsa, Oklahoma, stated that he plans an addition to an existing structure which was built in 1982 or 1983. Mr. Watson informed that some older homes have been removed to enhance the appearance of the area and after the remodeling, a club will be operating in the building.

Comments and Questions:

Ms. Hubbard informed that the use is changing from a carwash to a club and parking will be required on a lot other than the lot of use, which is not under application at this time.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to CONTINUE Case No. 13827 until November 21, 1985 to allow the applicant to advertise for additional relief.

Case No. 13828

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 36th Street to 40.5' and a variance of the required 25' rear yard to 21', located at 3534 South Joplin Place.

Comments and Questions:

Mr. Jones informed that the applicant, Ed Craig, has requested that Case No. 13828 be withdrawn.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to WITHDRAW Case No. 13828.

Case No. 13829

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1205 - Community Services, Cultural and Recreation Facilities - Under the Provision of Section 1680.1A -

Case No. 13829 (continued)

Requests a special exception to allow for the use of approximately 4,000 sq. ft. in an existing building as a center for the homeless of the City of Tulsa, located on the NW/c of Denver and Brady.

Presentation:

The applicant, Thomas Birmingham, 2727 East 21st Street, Tulsa, Oklahoma, represented Mr. and Mrs. Beddingfield who are owners of the property in question and Tulsa Metropolitan Ministries, sponsor of this project. Mr. Birmingham informed that a day center for the homeless of Tulsa is proposed for the 4,000 sq. ft. vacant building on the corner of Denver and Brady. He stated that there are approximately 80 parking spaces on the site.

Maynard Ungerman, 2727 East 21st Street, Tulsa, Oklahoma, submitted letters of support (Exhibit L-1) and explained that the homeless of Tulsa are in need of a day time shelter. Mr. Ungerman informed that the Community Service Council of Tulsa set up a network of organizations to find a solution to the problem and arising from that this Council went to the Metropolitan Ministry and asked them to follow through with this project. He stated that they have entered into an option to lease property in the industrial area and that services will be provided from 7:30 a.m. until 5 p.m., then meals and lodging for the night are available at the nearby Salvation Army facility and other locations.

Comments and Questions:

Ms. Wilson asked if beds will be supplied for the homeless and if these people that are served will be interested in working. Mr. Ungerman stated that beds will not be available, but a recent survey indicated that many of these people would like to have a place to stay and clean up while looking for work and a place to receive a phone call if they are offered a job.

Mr. Chappelle asked Mr. Ungerman to state the number of homeless that would be served in the center. He replied that there would be from 100 to 400 people receiving the services.

Mr. Chappelle asked where the entrance to the facility will be located and Mr. Ungerman answered that ingress and egress will be from the west.

Mr. Chappelle inquired as to the length of the lease on the building and Mr. Ungerman informed that his organization is planning a 7 year lease that is renewed each year.

Interested Parties:

Bill Fountain, 2229 South Rockford, Tulsa, Oklahoma, President of Downtown Tulsa Unlimited, stated that he would encourage that the need be met for the homeless of Tulsa. He suggested that the entrance to the facility be on the west side, that there would be screening for the building and that future development of land use that pertains to social needs be addressed.

Case No. 13829 (continued)

Protestants:

Bill Connley, 5200 North Lewis, Tulsa, Oklahoma, stated that his family has owned property in the area since 1931 and that he is opposed to the location of the center. He informed that the Salvation Army center has brought vagrants and homeless to the area and that they sleep outside in the neighborhood. Mr. Connley stated that the location of another facility for the homeless will further destroy the land value.

J. D. Smith, 116 Southwest 43rd Avenue, Tulsa, Oklahoma, represented the Beatrice Company which is located across the street from the subject property. He explained that the Salvation Army has drawn a large influx of vagrants and does not want to increase the problem by another similar facility. Mr. Smith pointed out that the Beatrice Company has been in the area since 1926, has an investment of 14 million dollars, employs 200 people, pays the City of Tulsa 53 thousand dollars in annual taxes and is the 11th largest user of the city services. He noted that vagrants have to be moved away from the door of his office each morning in order to gain access to the building, and that it is necessary to have female employees escorted to their cars after working hours. Mr. Smith informed that security guards have been attacked by the transients and theft has increased considerably since the Salvation Army facility has opened.

Jean Cobb, 9168 East 37th Court, Tulsa, Oklahoma, stated that she owns the 4-plex and a house that abutts the subject property, which houses the working poor people. She explained that she has had an increased problem renting her property since there are so many transients in the area, and can only anticipate a further decline in property value if more vagrants are attracted to the area.

Frenchie Loving, 432 South 51st West Avenue, Tulsa, Oklahoma, represented the West of Main Improvement Association, and urged the Board to deny the request for the center. She noted that the subject center is in an area that is marked for revitalization and feels that it would be a detriment to that program. Ms. Loving noted that Moulder Oldham has recently renovated their building and vagrants are sleeping all around this business. She suggested that the Tribune Building is available and would be an alternative for this use.

Leroy Everett, 310 South 43rd West Avenue, Tulsa, Oklahoma, represented the residents in District 10 and stated that he is against the location of the center for the homeless on the west side of Tulsa. Mr. Everett stated that the people in his community have been abused and already have a penal system on that side of the city.

Jim Vincent, 125 North Denver, Tulsa, Oklahoma, informed that he has had a DX Station at this location for 40 years and feels that there is a high concentration of thieves in the area. He asked the Board

Case No. 13829 (continued)

to deny the application for another facility that would draw more people of this caliber to the district.

Comments and Questions:

Ms. White asked Mr. Ungerman how many employees and volunteers would be at the center. He informed that they are planning to have between 2 and 4 individuals at the center (2 employees and 2 volunteers) in the beginning.

Ms. Wilson asked if the center will have a guard and Mr. Ungerman stated that he is not sure, but feels that the police could observe the area better if a fence is not installed.

Mr. Chappelle asked if the 4 people overseeing the center will be based on each 100 people using their services and if the number will be increased with the number served. Mr. Ungerman answered in the affirmative.

Mr. Ungerman explained that his organization is attempting to deal with the existing problem and not increase the problem, but rather, decrease it. He noted that the John 3:16 building was considered for the project, but is only available for 1 year, and the layout is not feasible.

Ms. Wilson suggested that the need of the people has not been met and asked Mr. Ungerman how the organization intends to keep the people inside the building and off the street. He explained that there are several facilities that supply the night time needs of the homeless and noted that the cold weather will drive them inside if a place is available during the day.

Mr. Chappelle stated a concern with the 5 year time period asked for by the applicant. Mr. Ungerman informed that an approval for less than 5 years would not be feasible because of the costs for renovation of the existing building.

Ms. Bardley stated that she is concerned with approving the use for 5 years since the City may have a project planned to deal with the homeless. Mr. Ungerman pointed out that City action may be in the distant future.

Ms. Wilson informed that she, too, is concerned with the long term approval for the project.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts -

11.07.85:451(21)

Case No. 13829 (continued)

Use Unit 1205 - Community Services, Cultural and Recreation Facilities - Under the Provision of Section 1680.1A) to allow for the use of approximately 4,000 sq. ft. in an existing building as a center for the homeless of the City of Tulsa; subject to the entrance being on the west side of the building; subject to the hours of operation be from 7:30 a.m. to 5:00 p.m.; and subject to service be limited to a maximum of 400 persons; on the following described property:

S/2 of Lot 2, all of Lot 3, Block 32, Original Town, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13830

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Under Provisions of Section 1670 Variances - Request for a variance of the required 95' setback from the centerline of 21st Street to 45.5' and from 85' to 65' from the centerline of Peoria to allow for construction of a residence, located on the SW/c of 21st Street and Peoria.

Presentation:

The applicant, John Walton, 2101 South Madison, Tulsa, Oklahoma, explained that a variance was applied for and approved in 1979 by the previous owner. Mr. Walton informed that he bought the lot in 1981 and was not aware that the variance was granted for a period of 3 years only. He stated that he plans construction on the lot within the next year and asked the Board to grant another approval.

Comments and Questions:

Mr. Gardner asked the applicant how close the structure would be to the west, and voiced a concern that if the intersection is widened, the proposed building on the corner lot might be too close to that structure. He replied that he does not have plans to submit at this time, but he will not construct the new building closer to 21st Street than the home to the west.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under Provisions of Section 1670 Variances) of the required 95' setback from the centerline of 21st Street to 45.5' and from 85' to 65' from the centerline of Peoria to allow for construction of a residence; subject to the proposed building being lined up with adjoining home to the west; on the following described property:

Case No. 13830 (continued)

Lot 4, Block 15, Sunset Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13833

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Provided Under Provision of Use Unit 1211 and Section 1680 - Request a special exception to allow office use within an existing school which has been closed for several years, located at 18 North Maybelle Avenue.

Presentation:

The applicant, Harold Patrick, 3903 Riverside Drive, Tulsa, Oklahoma, informed that the school in question has been abandoned by the County and asked the Board to allow office use in the building.

Comments and Questions:

Ms. Bradley asked if the building will be changed other than inside renovation and Mr. Patrick replied that there will also be new windows.

Ms. White asked the applicant how many parking spaces will be available and Mr. Patrick informed that there are 125.

Interested Parties:

Frenchie Loving, 432 South 51st West Avenue, Tulsa, Oklahoma, represented West of Main Improvement Association and stated that this organization is in support of the project.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Provided Under Provision of Use Unit 1211 and Section 1680) to allow office use within an existing school building; subject to no additions being made to the existing structure; finding that office use in the existing school building would not be injurious to the area and would be in harmony with the Code and the Comprehensive Plan; on the following described property:

Lots 1 thru 16, Block 20, North Part of Amended Plat, Owen Addition, City of Tulsa, Tulsa County, Oklahoma.

11.07.85:451(23)

Case No. 13834

Action Requested:

Variance - Section 440.7(a) (b) - Special Exception Uses in Residential Districts - Requirements - Request for a variance of required setback from abutting R District from 25' to 5' and a variance of required floor area ratio from 50% to 70% to allow for expansion to existing church building, located at 714 North Harvard.

Presentation:

The applicant, David Anderson, was represented by Bruce Straub, 4633 East 31st Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit M-1) and photographs (Exhibit M-2). Mr. Straub explained that the Sequoia Hills Baptist Church is asking permission to tear down a 1 story classroom and replace it with a 2 story addition with the same setback as the old building. He informed that the church is also planning a gymnasium on the property and has expanded the parking lot to make a total of 236 spaces.

Comments and Questions:

Mr. Chappelle noted that there is a flooding problem in the area and asked if the gym is proposed for the future. Mr. Straub explained that engineers are working with Stormwater Management at this time.

Ms. Hubbard informed that the 70% floor area ratio includes the gymnasium, but the plans that have been reviewed by Stormwater Management do not include this facility.

Board Action:

On MOTION of WHITE and SECOND by BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 440.7(a) (b) - Special Exception Uses in Residential Districts - Requirements) of required setback from abutting R District from 25' to 5' and a variance of required floor area ratio from 50% to 70% to allow for expansion to existing church building; per plot plan submitted; subject to Stormwater Management approval; subject to the execution of a tie contract on all of the adjoining lots owned by the church; finding that the applicant would not need the floor area ratio relief requested if the lots in question were treated as 1 parcel of ground; on the following described property:

Lot 1, Block 1, Harvard Square Addition, City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and a part of the NE/4 of the NE/4 of the SE/4 of the SE/4 of Section 32, T-20-N, R-13-E, being more particularly described as follows, to wit: Beginning 35' west and 30' south of the NE/c of said NE/4 NE/4 SE/4 SE/4; thence west 135'; thence south 329.83' to the north line of Lot 1, Block 1, Harvard Square Addition, thence east along said north line of Lot 1, Block 1, Harvard Square Addition, 135'; thence north 239.83' to the point of beginning.

Case No. 13835

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the required frontage on a public or dedicated street for two lots to allow for a lot-split, located on the NE/c of 71st and Memorial.

11.07.85:451(24)

Case No. 13835 (continued)

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, submitted a plot plan (Exhibit N-1) and informed that each of the main anchor stores own their own parcel and a part of the adjoining parking. The owner of the mall owns part of the parking and all of the parking areas are subjected to reciprocal easement agreements that permit cross-use of parking and drives. He explained that Dillard's is adding a third story to their building and a small tract of parking is being conveyed from the mall owner to Dillard's in order to balance the parking more accurately. This tract does not have access to a public street, but to a private ring-road, and asked the Board to grant a variance of the frontage requirement for said tract. Mr. Johnsen explained that the other tract in question is southeast of the previously mentioned lot and is part of the expansion area, located to the east of the Sanger Harris parcel. This situation is the same as the Dillard's parking area, except it is separated from the Sanger parcel by a ring-road and it, too, has no frontage on a public street.

Comments and Questions:

Ricky Jones informed that TMAPC has not acted on this request and if approved by this Board should be subject to their approval.

Ms. Wilson asked if the parking is needed because Dillard's is adding a third floor. Mr. Johnsen explained that this addition does not require extra parking since variances have already been granted that permit computation of required parking on the entire complex.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request for a variance of the required frontage on a public or dedicated street for two lots to allow for a lot-split; subject to TMAPC approval; on the following described property:

Sanger-Harris Parcel No. 1

All that part of Woodland Hills Mall Extended, and addition to the City of Tulsa, situated in the W/2, SW/4, SE/4 and the E/2, SE/4, SW/4 of Section 1, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to-wit:

Beginning at a point in the east boundary of said E/2, SE/4, SW/4, 369.00' from the SE/c thereof; thence due west a distance of 97.41'; thence N 13°21'05" W a distance of 0.00'; thence on a curve to the right having a radius of 45.00' a distance of 45.83'; thence N 45°00'00" E a distance of 11.21'; thence on a curve to the left having a radius of 150.00' a distance of 117.81'; thence due north a distance of 81.46';

Case No. 13835 (continued)

thence due east a distance of 33.94' to a point in the common boundary of said E/2, SE/4, SW/4 and W/2, SW/4, SE/4; thence due east a distance of 659.85' to a point in the east boundary of said W/2, SW/4, SE/4; thence S 0°05'52" W along the east boundary of said W/2, SW/4, SE/4 a distance of 237.67' to a point 369.00' from the SE/c thereof; thence due west parallel to and 369.00' from the south boundary of said W/2, SW/4, SE/4 a distance of 659.80' to the point of beginning, containing 169,286 sq. ft. or 3.88627 acres, more or less.

Dillard's Expansion Parcel

All that part of Woodland Hills Mall Extended, an addition to the City of Tulsa, situated in the SW/4 of Section 1, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to-wit:

Beginning at a point 2,029.48' due east and 1,158' due north of the SW/c of said SW/4, said point being the SE/c of a parcel of land commonly known as Construction Developers, Inc. Tract; thence due north along the east boundary of the Construction Developers, Inc. Tract a distance of 426.74'; thence S 84°23'55" E a distance of 0.00'; thence on a curve to the right having a radius of 264.00' a distance of 218.57'; thence S 36°57'42" E a distance of 8.41'; thence S 30°00'00" W a distance of 408.11'; thence N 35°00'00" W a distance of 29.79'; thence S 30°00'00" W a distance of 10.11'; thence N 35°00'00" W a distance of 26.57' to a point in the south boundary of the Construction Developers, Inc. tract; thence due east a distance of 51.21' to the point of beginning, containing 46,452 sq. ft. or 1.06639 acres, more or less.

There being no further business, the meeting was adjourned at 5:40 p.m.

Date Approved 11-21-85


Chairman

11.07.85:451(26)

