

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 452
Thursday, November 21, 1985, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley	Chappelle	Gardner	Linker, Legal
White,	Clugston	Jones	Department
Acting Chairman		Moore	Hubbard, Protective
Wilson			Inspections
			Smith, Code
			Enforcement

The notice and agenda of said meeting were posted in the Office of the City Auditor on Wednesday, November 20, 1985, at 11:48 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Ms. White informed that there is an error on Case No. 13829. The hours of operation in the Board Action should have read, 7:30 a.m. to 5:00 p.m., instead of 7:30 a.m to 7:30 p.m. as reflected in the minutes.

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, Wilson, White, "aye"; no "nays"; no "abstentions"; Chappelle and Clugston, "absent") to APPROVE the minutes of November 7, 1985, as corrected.

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

Presentation:

The applicant, Tom Mann, was not present.

11.21.85:452(1)

Case No. 13734 (continued)

Comments and Questions:

Mr. Jones informed that the lot split was denied by TMAPC, but the applicant told staff at INCOG that he wanted to try to work out problems with the protestants. Mr. Jones suggested that the application be continued for 30 days.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to STRIKE Case No. 13734; finding that the applicant was not present for two consecutive meetings.

Case No. 13827

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Request a variance of setback requirement from the centerline of Cincinnati Avenue, from 100' to 50' and from 100' to 40' from the centerline of Apache Street.

Variance - Section 1320(d) - General Requirements to Allow Off-Site Parking; all to allow for an existing building and a planned addition, located at 2606 North Cincinnati Avenue.

Presentation:

The applicant, Tim Watson, 5409 North Garrison, Tulsa, Oklahoma, submitted a plot plan (Exhibit A-1) and informed that he is planning an addition to a building at the above stated address, with parking on the adjoining 2 lots to the north. He informed that these 2 lots would provide parking for approximately 30 cars. Mr. Watson stated that, after construction is completed, the building will be occupied by the Classic Club.

Comments and Questions:

Mr. Gardner informed that this case was continued from the previous meeting because the 2 lots to the north did not appear in the application. Since these lots would be used for required parking, he suggested that, if the Board is inclined to approve the application, a tie contract be executed to tie all of the lots together.

Ms. Wilson asked if the parking lot would have ingress and egress on both Apache and Cincinnati and the applicant answered in the affirmative.

Protestants:

Tom Shepherd, 4324 South Darlington, Tulsa, Oklahoma, represented his mother who owns property south of the subject lot and voiced a concern that the approval of the variances requested would decrease

Case No. 13827 (continued)

the value of her property. Mr. Shepherd informed that his mother's property is used for a parking lot at this time. He stated that he is also concerned that the extension of the building to the west will cause a traffic hazard.

Ms. Wilson asked Mr. Shepherd to state the hours of operation for the parking lot. He replied that the hours are not fixed since the vehicles parked there belong to a construction company.

Applicant's Rebuttal:

Mr. Watson explained that the lessee of the adjoining property is a personal friend and will do the construction on the club. He pointed out that he does not work at night.

Ms. Wilson asked the applicant what hours the club would be operating. He replied that the business would open at 11:00 a.m. and close at 2:00 a.m.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) of setback requirement from the centerline of Cincinnati Avenue, from 100' to 55 1/2'* and from 100' to 40' (existing building encroaches to within 40') from the centerline of Apache Street; and to APPROVE a Variance (Section 1320(d) - General Requirements to Allow Off-Site Parking) all to allow for an existing building and a planned addition; per plot plan; subject to the execution of a tie contract which would tie together the lot with the existing building and the lots for required parking; subject to the hours of operation being from 11 a.m. to 2 a.m.; finding that the new addition will not be as close to the street as the existing building; on the following described property:

Beginning at a point 25' north and 33' west of the SE/c of Section 23, Township 20 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; thence north 70'; thence west 114.5'; thence south 70'; thence east 114.5' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

***Refer to Page 16.**

NEW APPLICATIONS

Case No. 13836

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Units 8 and 9 - Request for a use variance to allow

11.21.85:452(3)

Case No. 13836 (continued)

mobile home and multi-family units in a CS district, eight total dwelling units, requesting an appeal from the decision of Code Enforcement to allow mobile homes and multi-family dwellings.

Variance - Section 1420 - Nonconforming Use of Buildings or Buildings and Land in Combination - Request a variance to enlarge a nonconforming use, located north of the NE/c of 11th and Mingo Road.

Presentation:

The applicant, Ronald Bennett, 5321 South Sheridan, Tulsa, Oklahoma, represented Dorothy and Gilbert Bennett who own and operate Elms Court. A packet containing affidavits, tax receipts and aerial photos (Exhibit B-2) was submitted. He stated that there is 1 duplex, 1 tri-plex, a 1-bedroom house, and 2 mobile homes, one of which is the Bennett residence. Mr. Bennett informed that Elms Court has been in existence since the mid 1940's and has operated as a mobile home park and has had efficiency dwellings. He noted that prior to July 1, 1970, mobile homes were permitted by right in a U3D District, which is our present CS zoning and prior to August 1, 1965 multi-family dwellings were permitted by right in a U3D District. The subject property was annexed into the City of Tulsa, April 15, 1966. Mr. Bennett informed that, in 1979, his clients purchased the property in question and shortly thereafter they were cited by the Building Inspector, but after reviewing tax receipts, the file was closed without the necessity of coming before the Board. He informed that copies of these same documents and 1960 aerial photographs have been submitted today. Mr. Bennett stated that 26' to the north of the Bennett property was acquired by paying the back taxes and that the court is not going to be enlarged by the addition of that portion of land.

Protestants: None.

Comments and Questions:

Ms. White submitted a letter and photographs (Exhibit B-1) from Code Enforcement.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to UPHOLD the decision of Code Enforcement which determined that the mobile homes and multi-family units are located in a CS district; but to APPROVE a Use Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Use Units 8 and 9) to allow mobile home and multi-family units in a CS district, eight total dwelling units; and to APPROVE a Variance (Section 1420 - Nonconforming Use of Buildings or Buildings and Land in Combination) to enlarge by 26' the land area of the use; finding that the existing mobile home and multi-family use was in existence prior to 1966; and finding that the 26' addition to the north is not an enlargement of the business on the property, but rather, adding a 26' portion of land to the original plot; on the following described property:

Case No. 13836 (continued)

The north 108.5' of the south 323.5' of the west 270' of Lot 11, (SW/4), SW/4, Section 6, T-19-N, R-14-E, and part of SW/4, SW/4 of Government 11, Beginning 323.5' north of the SW/c of SW/4, thence east 270', thence north 26', thence west 270', thence south 26' to P.O.B., less west 60' for street, Section 6, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13837

Action Requested:

Special Exception - Section 420.1 - Accessory Uses Permitted in Residential Districts - Request for a special exception to allow an existing home occupation of a plumbing office, located at 3303 South Knoxville.

Presentation:

The applicant, Howard Cross, 3303 South Knoxville, Tulsa, Oklahoma, who submitted letters and a petition (Exhibit C-1) of support, stated that he has operated a plumbing business from his home, at the above stated address, since May of 1970 and asked the Board to allow him to continue this operation.

Comments and Questions:

Ms. Wilson asked the applicant if he has read the Home Occupation Guidelines and he answered that he has a copy of these regulations.

Ms. Bradley informed that she drove by the subject property and noticed that there were 3 trucks in the driveway with the name of the plumbing company displayed on the door and asked the applicant if employees come to his home to pick up the trucks. Mr. Cross informed that his employees do pick up the trucks and that the City requires plumbers to display their name, address, phone number and license number on their vehicles.

Ms. White asked Mr. Cross if he has employees and he replied that he has 2.

Ms. Bradley asked the applicant to state the purpose of the 2 storage buildings in the back. He explained that 90% of the items in the buildings are his personal possessions and the remainder is plumbing equipment.

Ms. White asked if there are plumbing supplies stored inside the fenced area and the applicant informed that there are plumbing items inside the fence.

Ms. Bradley asked the applicant if he lives in the house at 3303 South Knoxville. Mr. Cross replied that he has lived at the present address for 17 years and operated a plumbing business from the premises during the past 15 years, with no retail sales or fabrication.

Case No. 13837 (continued)

A letter and photographs (Exhibit C-2) from Code Enforcement were submitted.

Protestants:

Sandra Hall, 3705 East 33rd Street, Tulsa, Oklahoma, stated that she is opposed to the business in the residential area. She pointed out that her concern is the preservation of the neighborhood standards. Ms. Hall noted that the applicant owns the house to the north of his present residence and uses it as a warehouse for plumbing supplies. She pointed out that the business in question has grown over the years and asked that the special exception request be denied. Letters (Exhibit C-3) of opposition were submitted.

Tim Fox, 3303 South Louisville, informed that he lives in the area and that there are several trucks coming and going at the Cross home. He stated that he owns a drycleaning business and could operate it from his home if this were allowed. Mr. Fox suggested that there is rental space available near the applicants home and feels the request for a home occupation should be denied.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to DENY a Special Exception (Section 420.1 - Accessory Uses Permitted In Residential Districts) for a special exception to allow an existing home occupation of a plumbing office; finding that the plumbing business has grown to the point that it is not compatible with the neighborhood and that the granting of the special exception request would not be in harmony with the spirit and intent of the Code and the Comprehensive Plan: on the following described property:

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

Case No. 13838

Action Requested:

Appeal - Section 1650.1 - Appeals from the Building Inspector and/or variance - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1221.5 - Appeal from a decision of the Building Inspector to remove 3 signs and/or request for a variance to permit the 3 signs, located on the NE/c of 71st Street and Memorial.

Presentation:

The applicant, John Sublett, 320 South Boston, Tulsa, Oklahoma, submitted a packet containing documents of the signs history (Exhibit D-1). He explained that he is representing the owner of a tract 270' by 270' which has 3 signs, one of which is a 5' 11" pole

Case No. 13838 (continued)

sign to the north, one pole sign at the northeast corner of the building and one pole sign on the east side of the building. Mr. Sublett explained that the present owner, Mr. Revis, bought the property from Sun Oil Company and at that time the property was zoned CG. He presented the Board with copies of Sign Permits issued from 1983 to 1985, which stated that the zoning was CG. Mr. Sublett informed that there is a 100' wrap of CS around the CG zoning, which was not known about by the Sign Inspector or the owner, and the signs in question were placed in this area.

Comments and Questions:

Mr. Gardner asked Mr. Sublett if he is requesting to keep the signs in place until January 1, 1995, at which time all non-conforming signs will be required to be removed. He replied that he is requesting to have the same consideration as other sign owners.

Ken Bode, Protective Inspections, noted that the owner, Mr. Revis, was told that, if the property were zoned CG, the signs would have been proper in all respects except for being over the 50' height requirement.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to UPHOLD the Appeal (Section 1650.1 - Appeals from the Building Inspector and/or variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1221.5); and to APPROVE a Variance to permit the 3 outdoor advertising sign structures; subject to these signs being removed by January 1, 1995, in compliance with the new ordinance requirements; on the following described property:

Beginning at a point 330' north of the south line and 60' east of the west line of the SW/4 of the SW/4 of the SW/4 of Section 1, T-18-N, R-13-E, Tulsa County, Oklahoma; Thence due east, parallel to the south line of Section 1, a distance of 270.00'; Thence S 0°03'42" W, parallel to the west line of Section 1, a distance of 270.00'; Thence due west, Parallel to and 60' north of the south line of Section 1, a distance of 225.00', to a point 105.00' east of the west line of Section 1; Thence N 44°58'09" W a distance of 63.61' to a point 60' east of the west line and 105' north of the south line of Section 1; Thence N 0°03'42" E, parallel to the west line of Section 1 a distance of 225.00' to the point of beginning, containing 71,887 sq. ft., more or less.

11.21.85:452(7)

Case No. 13840

Action Requested:

Special Exception - Section 420.1 - Accessory Use Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow an upholstery shop as a home occupation, located at 3636 South Olympia.

Presentation:

The applicant, Eva Brannum, 3636 South Olympia, Tulsa, Oklahoma, stated that she works 8 hours each day for Renberg's and asked the Board that she be allowed to have an upholstery business in her home at the above stated address.

Comments and Questions:

Ms. Bradley asked the applicant to state the hours of operation for the shop. Ms. Brannum informed that she gets off work at 5 p.m. and will begin her upholstery work at approximately 6 p.m., finishing at about 10:30 p.m. She said these hours would be kept during the week days, but she would probably work about 6 hours on Saturday, from 10 a.m. to 4 p.m.

Ms. White asked the applicant if she has a copy of the Home Occupation Guidelines and she answered in the affirmative.

Ms. Bradley inquired if the detached building located on the lot is where the upholstery business will be located and the applicant replied that the work will be done in the accessory building.

Ms. Hubbard asked the applicant if she currently has a shop at 4736 South Union. Ms. Brannum answered that she rented the building and intended to open a shop at that location, but found that it was not zoned for the business.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to **APPROVE** a Special Exception - Section 420.1 - Accessory Use Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow an upholstery shop as a home occupation; subject to hours of operation being Monday thru Friday, 6 p.m. to 10 p.m. and Saturday 10 a.m. to 6 p.m.; subject to Home Occupation Guidelines; and subject to the upholstery business being conducted in the detached accessory building only; finding that the granting of the special exception request will not be injurious to the neighborhood; on the following described property:

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

Case No. 13841

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1214 - Request a variance of the setback from the centerline of South Indianapolis Avenue from 50' to 25' in order to line up with abutting buildings, located at 3303 South Harvard.

Presentation:

The applicant, Robert Aery, 3301 South Harvard, Tulsa, Oklahoma, who submitted a plot plan (Exhibit E-1) and photographs (Exhibit E-2), stated that he proposes to construct an office building on the subject tract. He noted that there is a sanitary sewer on the west of his property and he is required to be removed from that sewer a distance of 11'. He pointed out that the proposed structure will line up with the existing building to the south. Mr. Aery stated that there is adequate parking for the offices to the north.

Comments and Questions:

Ms. Wilson asked the applicant to state the use of the office space and where the entrance to the building will be located. Mr. Aery replied that there is an entrance on Indianapolis at this time and an entrance will be constructed off Harvard. He explained that the office will be rented for medical related uses.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1214) a variance of the setback from the centerline of South Indianapolis Avenue from 50' to 25' in order to line up with abutting buildings; per plot plan; on the following described property:

The south 75' of the north 150' of west 140' of the east 165' of Block 24, Amended Albert Pike Subdivision to the City and County of Tulsa, Oklahoma.

Case No. 13842

Action Requested:

Special Exception - Section 400 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow a mobile home on a vacant lot in an RM-2 zoned district.

Variance - Section 440(6) Mobile Homes - Request a variance to waive the one year removal requirement, located at 1943 Marshall Place.

Case No. 13842 (continued)

Presentation:

The applicant Michelle Wilson, was represented by her husband, Randy Wilson, 1512 North Columbia Place, Tulsa, Oklahoma, who submitted photographs (Exhibit F-1) and a location map (Exhibit F-2). Mr. Wilson asked the Board to allow him to place a mobile home on the lot he is buying at the above stated address. He explained that he would like to be near his grandmother who is ill and needs his assistance.

Comments and Questions:

Ms. Wilson asked if there are other mobile homes in the area and the applicant replied that there are some in the neighborhood.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to **APPROVE** a Special Exception (Section 400 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow a mobile home on a vacant lot in an RM-2 zoned district; and to **DENY** a Variance (Section 440(6) Mobile Homes) to waive the one year removal requirement; subject to Building Inspector and Health Department approval; finding that there are other mobile homes in the area and the granting of the special exception request is in harmony with the Code and the Comprehensive Plan; on the following described property:

Lot 3, Block 1, Berryheart Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13843

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1211 - Request for a use variance to maintain an office in an RS-1 district, located at 3230 East 31st Street.

Presentation:

The applicant, Michael Hilsabeck, requested by letter (Exhibit G-1) that Case No. 13843 be continued until December 5, 1985.

Protestants:

Ansel Owens, 3139 East 31st Street, Tulsa, Oklahoma, stated that he is not opposed to the continuance of the case.

Comments and Questions:

A letter (Exhibit G-2) from Code Enforcement was submitted.

Case No. 13843 (continued)

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to CONTINUE Case No. 13843 to December 5, 1985.

Case No. 13844

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request a special exception to allow for an existing duplex in an RS-3 district, located at 508 South Joplin.

Presentation:

The applicant, Vernon Gunter, 715 South 90th East Avenue, Tulsa, Oklahoma, stated that the building in question is approximately 25 years old and was formerly owned by his mother-in-law. He asked the Board to allow the duplex in a residential area.

Comments and Questions:

Ms. Bradley asked the applicant if there are other duplexes in the neighborhood and he replied that there is one located at 4th and Joplin.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 to allow and existing duplex in an RS-3 district; finding that there other similar uses in the neighborhood and that the granting of the request is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The north 110' of the east 200' and 6", Tract 18, Glenhaven Addition to the City and County of Tulsa, Oklahoma.

Case No. 13846

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow a dry cleaning/laundry facility in a CS zoned district.

Variance Section 1215.2 - Included Uses Under Other Trades and Services - Request a variance of the permitted 1,500 sq. ft. to 1534 sq. ft., located at 6105 D South Mingo.

Case No. 13846 (continued)

Presentation:

The applicant, David Johnson, 1809 West Memphis, Broken Arrow, Oklahoma, asked the Board to approve a request for a drycleaning plant which will be located in a new shopping center. He explained that the plans have been approved by the Health Department.

Comments and Questions:

Ms. White asked the applicant to state the other uses in the center and he informed that there are only 2 other uses, one is Carl's Hamburgers and the other, an auto parts store.

Ms. White asked if the business will be a drop-off station and Mr. Johnson informed that it will be a cleaning plant which does the actual cleaning process inside the building.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow a dry cleaning/laundry facility in a CS zoned district; and to APPROVE a Variance (Section 1215.2 - Included Uses Under Other Trades and Services) of the permitted 1,500 sq. ft. to 1534 sq. ft.; subject to Health Department approval; on the following described property:

The north-half of Lots 2, 3, and 4, Block 3, Union Gardens Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13847

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request a variance from the required 35' front yard setback, located at 3756 South Florence.

Presentation:

The applicant, Patrick Fox, requested by letter (Exhibit H-1) that Case No. 13847 be continued until December 19, 1985.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to CONTINUE Case No. 13847 until December 19, 1985.

Case No. 13848

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow a wholesale bakery in a CS zoned district, located east of the NE/c of 31st Street and Joplin Avenue.

Presentation:

The applicant, Nancy Gomez, was represented by Gary Gomez, 2222 East 31st Place, Tulsa, Oklahoma, who submitted a plot plan (Exhibit 1-1) and photographs (Exhibit 1-2), stated that he is president of Chimi's Inc. Mr. Gomez informed that Chimi's Restaurant also operates a bakery, Red River Mill and Tortilla Company, and asked that the Board allow wholesale distribution by this company. He noted that there will be a small retail bakery and office space for Chimi's in the building.

Comments and Questions:

Ms. Wilson asked if the building is new and the applicant replied that it was built in 1978.

Ms. White asked if delivery trucks will be coming to the building and Mr. Gomez replied that there will probably be 1 truck delivering to the restaurants and maybe to grocery stores.

Ms. White asked if there is an area for loading and unloading supplies and the applicant answered that there is space available for large trucks to unload.

Ms. Bradley inquired as to the time the bakery will open and Mr. Gomez informed that the bakery will begin operation at 4 a.m.

Protestants:

A letter (Exhibit 1-3) in opposition to the wholesale bakery was received from John Laur, 7 East Brady, Tulsa, Oklahoma.

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215) to allow a wholesale bakery as presented in a CS zoned district; on the following described property:

Beginning 50' north and 1164.5' west of the SE/c of the SE/4, thence north 265', east 227', south 265', west 227', POB Tracts in the City of Tulsa, Tulsa County, Oklahoma, Section 15, T-19-N, R-13-E.

11.21.85:452(13)

Case No. 13849

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1206 - Request a use variance to allow two detached accessory buildings and pool as the principal use of a lot, located at 6144 South Oswego.

Presentation:

The applicant, Ken Alexander, 5525 East 51st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) and stated that the owner is planning to build a garage, swimming pool, and a cabana on the subject tract.

Comments and Questions:

Ms. Wilson asked the applicant if the lot to the north of the house is being purchased and he answered in the affirmative.

Mr. Bradley asked Mr. Alexander why the owner needs a second garage. He replied that he plans to use the new garage for boat storage.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to **APPROVE** a Use Variance (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1206) to allow two detached accessory buildings and pool as the principal use of a lot; per plot plan submitted; subject to 1 new building being used for a cabana only and the second building being used for a garage only; and subject to a tie contract being executed on the 2 lots; on the following described property:

Lot 3, Block 3, Braeswood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13850

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1211 - Request a variance of the required limit of 50% floor area in a CS district by 2,700 sq. ft. (3%), located west and south of Yorktown and 69th Street.

Presentation:

The applicant, Leon Ragsdale, 1615 North 24th West Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-1) and photographs (Exhibit K-2). He explained that Satellite Syndicated Systems, Inc. will occupy one of the 2 buildings and a connecting building, which once was a courtyard, will be inclosed and house the production lighting and equipment. Mr. Ragsdale asked that the Board approve the 3% variance since no additional employees are involved and the facility is used only when filming.

Case No. 13850 (continued)

Interested Parties:

A letter of support (Exhibit K-3) was received from Wm. B. Rhees II, Co-Chairman of The Citizens Planning Team in the area.

Protestants: None.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to APPROVE a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 1211) of the required limit of 50% floor area in a CS district by 2,700 sq. ft. (3%); per plot plan submitted; on the following described property:

South 230' of Lot 8, Block 1, Lewis Village Addition to the City and County of Tulsa, Oklahoma.

OTHER BUSINESS

Case No. 13793

Action Requested:

Request a modification of the conditions of approval, located on the SE/c of 15th and Denver,

Presentation:

Stewart Nyander, 4538 South 23rd West Avenue, Tulsa, Oklahoma, explained that he has appeared before the Board at another time and acquired approval of parking in an adjacent lot for an office building which is to be renovated. Mr. Nyander pointed out that he is ready to begin work on the building at this time, but the owner of the lot where the parking will be located does not want to sell the property until 1986. He asked the Board to allow him to get a Building Permit at this time and withhold the Occupancy Permit and execution of the tie contract to such time as the remodeling is completed and the offices are ready for occupancy.

Comments and Questions:

Mr. Linker asked Mr. Nyander why he is unable to get a tie contract at this time. He explained that the owner of the lot being purchased for the required parking does not want to sell this year for tax reasons, but will sell in 1986.

Board Action:

On MOTION of BRADLEY and SECOND by WILSON, the Board voted 3-0-0 (Bradley, White, Wilson, "aye"; no "nays"; no "abstentions"; Chappelle, Clugston, "absent") to APPROVE a request to allow the acquiring of a Building Permit at this time; subject to parking being in place and a tie contract being executed prior to occupancy of the office.

The Board discussed Case No. 13827, which was heard earlier in the meeting. It appeared that the applicant is properly advertised, but the plot plan which he submitted did not reflect the requested setback. It was decided to uphold the previous action on the case but require the applicant to reappear before the Board at a later date if a 50' setback from Cincinnati Avenue is needed rather than 55 1/2' as the plot plan indicated. The Board indicated they would support 50', as advertised, if actually needed.

There being no further business, the meeting was adjourned at 3:49 p.m.

Date Approved 12-5-85

Charles J. Rappell
Chairman