

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 458
Thursday, February 20, 1986, 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 Brown	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, February 18, 1986, at 12:15 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Chappelle called the meeting to order at 1:04 p.m.

MINUTES:

Mr. Chappelle pointed out that he voted for approval of Case No. 13997 and not for denial, as the February 6, 1986 minutes reflected.

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 the Minutes of February 6, 1986 (No. 457) as corrected.

UNFINISHED BUSINESS

Case No. 13768

Action Requested:

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

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

Comments and Questions:

Mr. Jones explained that this item was before the Board at the last meeting date and that all adjoining property owners have now been notified of the moving of the church location.

Presentation:

The applicant, Duane Snapp, was represented by Dave Merlible, 400 South Elder, Broken Arrow, Oklahoma, who stated that the previously considered 3.14 acres is the exact amount that will be utilized at an adjacent location. He pointed out that the previous location was the site of a landfill and it was decided to move the proposed building to another portion of the property owned by the church.

Ms. Wilson asked Mr. Jones if all of the protestants at the previous meeting were notified of this hearing. He replied that the entire mailing list was sent out again for this meeting.

Protestants:

Earl Pregler, 1354 East Independence, Tulsa, Oklahoma, stated that he is a property owner that abutts the subject tract on the north and west. He reviewed a copy of the plat and asked if the church will be on a sewer or septic system. Mr. Jackere informed that this subject will be dealt with during the platting process.

Mr. Merlible stated that a septic system is planned for the property at this time.

Ms. Wilson asked Mr. Pregler if he lives on the property to the north and he answered that he does not.

Mr. Pregler asked the applicant how surface water will be controlled. Mr. Merlible informed that a detention pond will be constructed on the 85 acres to retain part of the water runoff.

Mr. Gardner informed that Stormwater Management is a part of the Technical Advisory Committee and if there is a plat working, they are aware of it. He pointed out that on-site detention will be required.

Mr. Pregler asked if maps are available for inspection and Mr. Gardner informed that maps are available for review at the INCOG offices.

Orville Henderson, 1736 West 89th Street South, Tulsa, Oklahoma, asked if any other access would be on Union. Mr. Merlible stated that 86th Street was designated by TMAPC.

Carmen Henderson, 1736 West 89th Street South, Tulsa, Oklahoma, stated that there is a gravel road that extends from South Union to her home and is concerned that there will be access to the church from this road. Mr. Merlible stated that there are no plans to develop farther south than 86th Street.

Kenneth Hargrove, 1410 West 91st Street, Tulsa, Oklahoma, stated that he has property immediately south of the 89th Street area and

Case No. 13768 (continued)

noted that, in his opinion, the addresses in the application seem to be wrong. He pointed out that the address of the subject property should have been 8500.

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 310 - Principal Uses Permitted in the Agriculture District - Use Unit 1205) to allow a church and related activities in an AG zoned district; and to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in the Residential District - Use Unit 1205) to allow a church and related activities in an RS-3 zoned district; per plot plan submitted; finding that the granting of the special exception requests would not be detrimental to the area; on the following described property:

A tract containing 3.0 acres, more or less, located in the NE/4 of the SE/4, Section 15, T-18-N, R-12-E, more particularly described as follows: Beginning at the NE/c of the SE/4 of said Section 15, thence west a distance of 329.7' to the P.O.B., thence west a distance of 365' to a point, thence south a distance of 370' to a point, thence east a distance of 365' to a point, thence north 370' to the P.O.B.

NEW APPLICATIONS

Case No. 13924

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 20' to 17' in an RS-3 zoned district, located at 1010 West 51st Street.

Presentation:

The applicant, Mike Youngpeter, 1010 West 51st Street, Tulsa, Oklahoma, stated that his house burned and in order to acquire a permit to rebuild, a variance of the rear yard setback is required.

Comments and Questions:

Mr. Chappelle asked if the house will be built on the existing foundation and the applicant answered in the affirmative. Mr. Youngpeter explained that the repairs to the house included rebuilding the inside and putting on a new roof, which was estimated as 75% of the total value.

2.20.86:458(3)

Case No. 13924 (continued)

Ms. Bradley asked the applicant if the existing foundation is 17' from the property line and he answered in the affirmative.

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 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the rear yard setback from 20' to 17' in an RS-3 zoned district; finding that the applicant is partially reconstructing an existing house that has been at the present location for the past 25 years; on the following described property:

Beginning at a point 35' south of the NE/c of the NW/4 of Section 35, T-19-N, R-12-E of the I. B. & M., Tulsa County, State of Oklahoma, thence west 198'; thence south approximately 185' to the north line of Interstate Highway 44 right-of-way; thence east 198' along the north line of said Interstate Highway 44 right-of-way; thence north approximately 185' to the point of beginning; (Above property being located at 1010 West 51st Street, City of Tulsa, Tulsa County, Oklahoma.)

Case No. 13925

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in the commercial Districts - Request a variance of the setback from the centerline of Sheridan Avenue from 100' to 90', located on the NW/c of 4th Place and Sheridan.

Presentation:

The applicant, Marwan Alchami, 5739 South 72nd East Avenue, Tulsa, Oklahoma, stated that he is asking for the variance request in order that he can utilize the maximum amount of parking for a restaurant that is being constructed. A plot plan (Exhibit A-1) was submitted. Mr. Alchami pointed out that the building could not be moved farther to the west and still allow sufficient space for entry to the rear parking spaces.

Comments and Questions:

Ms. Bradley asked the applicant if the restaurant could meet required parking without the setback variance. Mr. Alchami replied that he has the required parking, but has a large amount of business and is concerned that patrons will park on neighboring property.

Mr. Alchami pointed out that the building will be extended approximately 3', or 94' from the centerline.

Case No. 13925 (continued)

Ms. Wilson asked the applicant if his restaurant will line up with the barbecue restaurant to the north. He answered that the barbecue place is only 65' from the centerline of the street, as is Taco Tico.

Mr. Gardner commented that the Code was changed in 1970 and prior to that time businesses were allowed to be constructed closer to the street.

Ms. Bradley asked Mr. Gardner how this application differs from the application denied in July. He pointed out that the one in July was a request for a 76' setback and this application is for a 90' setback. Mr. AlchamI informed that he has removed the house to the west since the prior hearing and is now able to utilize this lot.

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 730 - Bulk and Area Requirements in the Commercial Districts) of the setback from the centerline of Sheridan Avenue from 100' to 90'; per plot plan submitted; finding a hardship demonstrated by the numerous businesses already existing closer to Sheridan Road, permitted prior to the Code change in 1970; on the following described property:

Lots 17 and 18, Block 5, Sheridan Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13926

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1208 - Request a variance of the maximum structure height permitted in an RM-2 zoned district to permit the construction of multi-family dwelling buildings having a maximum height of 42' to the peak of the roof, located on the east side of Riverside Drive south of East 66th Place.

Presentation:

The applicant, Charles Norman, Suite 909 Kennedy Building, Tulsa, Oklahoma, submitted a Building Elevation Plan (Exhibit B-1) and stated that he is representing Lincoln Property Company which has purchased 3 parcels of land that are located south of 66th Place, between the extension of Riverside Drive and Peoria Avenue. He pointed out that this portion of property has been deleted from PUD 341 by a major amendment approved by TMAPC and no part of this application includes any land within the right-of-way of the Riverside Parkway extension. Mr. Norman informed that the purpose of this application is to allow the property owner to design a multi-family project on this land that has buildings with 3 stories and a maximum height of 42' instead of 35' as permitted by the Code. Mr. Norman explained that under the old Code the height of a

Case No. 13926 (continued)

building was measured from the ground to the top plate of the building, or the point where the roof began to go upward, which would allow a 3-story building within 26'. This plan shows that 3 stories can be incorporated within 18' to 26'; but the roof goes up to 42'; therefore, a hardship is imposed upon the designer by the Code. Mr. Norman pointed out that PUD 341 to the east permits 3-story buildings and they have been constructed at a maximum height of 42'.

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 Residential Districts - Use Unit 1208) of the maximum structure height permitted in an RM-2 zoned district to permit the construction of multi-family dwelling buildings having a maximum height of 42' to the peak of the roof; subject to said building being a maximum of 3-stories, with a maximum height of 42'; finding a hardship imposed on the applicant by the Code, since the 3 stories can be built within a 26' height, but the pitch of the roof extends the height to 42'; on the following described property:

A part of Government Lot 7, and all of Lots 4, 5, 6, 7, 8, 9, and 10, Block 1, Raintree II, Amended, and addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, all located entirely within Section 1, T-18-N, R-12-E, Tulsa County, Oklahoma, being more particularly described as follows, to-wit:

Commencing at the NW/c of Lot 1, Block 1, Raintree II, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof as the Point of Beginning:

Thence due south a distance of 196.46' to a point; thence due west a distance of 16.29' to a point; thence due south a distance of 60' to a point; thence due east a distance of 43.59' to a point; thence due south a distance of 151' to a point; thence due west a distance of 72' to a point; thence due south a distance of 30' to a point; thence due west a distance of 6.09' to a point; thence due south a distance of 32' to a point; thence due west a distance of 238' to a point; thence due south a distance of 98' to a point; thence due west a distance of 255.77' to a point on the right-of-way for the proposed Riverside Parkway; thence north 18°29'14" west a distance of 502.62' to a point of curvature; thence along a 5,656.51 foot radius curve to the right, having a central angle of 1°7'28" for an arc distance of 111.01' to a point; thence south 88°50'59" east a distance of 738.28' to the Point of Beginning.

AND

A tract of land in Lot 7, Section 1, T-18-N, R-12-E, Tulsa County, Oklahoma, more particularly described as follows: Beginning 1,485' north and 760' west of the SE/c of Section 1; thence west 300'; thence northwesterly 382' to a point; thence east and parallel to the south line of Section 1, 422'; thence south 362' to the point of beginning, containing 3 acres, more or less;

LESS THE FOLLOWING TRACT CONVEYED TO THE CITY OF TULSA AS FOLLOWS:

A piece or parcel of land located in the SE/4 of Section 1, T-18-N, R-12-E of the Indian Base and Meridian, Tulsa County, Oklahoma, which is more particularly described as follows, to-wit: Beginning at the SE/c of "The Keys" subdivision, an addition to the City of Tulsa, Oklahoma; thence north 19°35'09" west along the easterly boundary thereof a distance of 382.00' thence south 89°57'27" east parallel to the south line of said Section 1 a distance of 159.25'; thence south 19°35'09" east a distance of 301.57'; thence south 23°07'05" east a distance of 82.39' thence north 89°57'35" west a distance of 164.64' to the point of beginning, containing 1.3201 acres, more or less.

Case No. 13927

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the front yard setback from original 55' to 50' in an RS-2 zoned district, located at 3819 East 82nd Place South.

Presentation:

The applicant, Kevin Jeffords, 4633 East 31st Street, Tulsa, Oklahoma, represented the buyers of the subject property and stated that the mortgage company requires this variance. He pointed out that the existing house encroaches 1.5' over the front building line. A copy of the survey (Exhibit C-1) was submitted.

Comments and Questions:

Ms. Wilson remarked that other houses in the neighborhood appeared to be the same distance from the street as the house in question.

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 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the front yard setback from original 55' to 50' in an

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Case No. 13927 (continued)

RS-2 zoned district; per land survey; finding that the encroachment into the front yard is not detrimental to the neighborhood; on the following described property:

Lot 21, Block 5, Forest Creek II Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13928

Action Requested:

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

Use Variance - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209 - Request use variance to allow a mobile home in a CS district, located on the SW/c of 51st and Tacoma Avenue.

Presentation:

The applicant, Lewis Cline, 2996 East 56th Place, Tulsa, Oklahoma, stated that a mobile home was approved in 1982, but because of finances it was not placed on the property at that time. Mr. Cline asked that the variance be reconsidered at this meeting.

Comments and Questions:

Ms. Wilson asked Mr. Cline if there are other mini-storages in the area and he replied that there are some adjacent to those in this application, which he owns.

Ms. Bradley inquired if the mobile home is needed for security reasons and Mr. Cline replied that a security person will live in the mobile. He pointed out that the guard is presently staying in a frame home which is adjacent to the property. Mr. Cline informed that this home will be removed and a mobile placed between 2 of the buildings.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 17) to allow mini-storage in a CS district; and to APPROVE a Use Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1209) to allow a mobile home in a CS district; subject to mobile home occupancy being limited to the caretaker of the mini-storage only; finding that there are similar businesses in the area and the granting of the variance request will not cause substantial detriment to the public good, or impair the purposes, spirit and intent of the Code or the Comprehensive Plan; on the following described property:

Case No. 13928 (continued)

Lots 3 and 4, Cameron Cline Acres Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 13929

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to permit a mobile home in an RS-3 zoned district.

Variance - Section 440.6(c) - Special Exception Uses in Residential Districts, Requirements - Request a variance of the 1 year time limitation for permanent use, located north of the NE/c of Lawton Avenue and 37th Place, 3663 Lawton Avenue.

Presentation:

The applicant, Don Heath, was not present.

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 CONTINUE Case No.13929 to March 6, 1986.

Case No. 13930

Action Requested:

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

Variance - Section 1217.3(b) - Automotive and Allied Activities, Use Conditions - Request a variance to allow open air storage and display of merchandise offered for sale within 300' of an adjoining R district, located on the SE/c of Crosstown and Garnett.

Presentation:

The applicant, Bob Flynn, P.O. Box 337, Claremore, Oklahoma, stated that he is representing Andrew Flynn, purchaser of the property in question. The R district which surrounds the tract on the east and south is a parking lot for a large apartment complex. Mr. Flynn noted that the property is bordered on the north by the Crosstown Expressway and on the west by Garnett Road. The applicant informed that the lot will be used for the sale of recreational vehicles.

Comments and Questions:

Ms. White asked Mr. Flynn if screening is currently in place on the south and west. He replied that there is no fencing on the property at this time.

Case No. 13930 (continued)

Ms. Wilson inquired as to the hours of operation for the business and he answered that the sales office will be open from daylight to approximately 9 p.m.

Mr. Chappelle asked Mr. Flynn to state the number and type of vehicles that will be displayed and sold on the lot. He replied that there will be from 10 to 50 vehicles, depending on whether there are automobiles or recreational vehicles displayed.

Mr. Chappelle asked what type of vehicles would be primarily sold. Mr. Flynn stated that motor homes will be sold at this time, but maybe automobiles at a later time.

Ms. White inquired about the direction of the lighting on the property and the applicant informed that there are lights and that they would like to be permitted the same lighting as car lots.

Ms. Bradley asked Mr. Flynn if the parking surface is concrete and he replied that it is blacktop.

Ms. Wilson requested that the applicant state specific hours of operation for the business. Mr. Flynn informed that the business will be open from 8 a.m. until 9 p.m.

Mr. Gardner pointed out that Use Unit 17 includes many uses and suggested that the uses approved be spelled out. The subject property is at a higher elevation than the apartments which have experienced flooding in the past. He pointed out that the lot is not large enough to accommodate some of the larger uses.

Mr. Flynn asked Mr. Gardner to note the larger uses he is referring to and he replied that the lot is too small for mobile home and large truck sales. The applicant pointed out that there are truck sales in the area and there is a possibility that the owner might want to rent the lot to a business of this type.

Ms. White and Ms. Bradley voiced a concern with displaying large trucks on the lot.

Andy Flynn, 1202 South 141st East Avenue, Tulsa, Oklahoma, stated that he owns the subject tract and does not consider the 200' by 180' lot to be small. He pointed out that he may want to rent the property to mobile home sales in the future and would like permission to do so. He noted that Quality Inn is across the street and a Quik-Trip store is in the area.

Mr. Jackere informed that this application should be judged on whether or not the use would cause harm to the neighborhood.

Case No. 13930 (continued)

Mr. Bob Flynn stated that there is very little difference in a mobile home and a large motor home.

Mr. Gardner suggested that there is a significant difference between the two units. He pointed out that this is the major interchange off the expressway, with heavy traffic and two motels in the area. Mr. Gardner stated that the street is only two lanes wide and mobile homes would block traffic when being moved onto the lot.

Ms. Bradley asked where the office would be located and Mr. Andy Flynn replied that the office is located in the center of the lot and that there are 2 driveways to turn trailers around on the property.

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 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217) to allow automobile sales in a CS zoned district; and to APPROVE a Variance (Section 1217.3(b) - Automotive and Allied Activities, Use Conditions) to allow open air storage and display of merchandise offered for sale within 300' of an adjoining R district; subject to sales being limited to automobiles, boats, RV's, campers and motorcycles only; subject to solid screening being installed on the east and south of the subject property; subject to hours of operation being from 8 a.m. to 9 p.m. and subject to all lighting being directed away from the residences; on the following described property:

Lot 1, Block 1, Skelly-Crosstown Garnett Addition, City of Tulsa, Tulsa County.

Case No. 13931

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow a library in an existing IL district, located at 1313 North Canton.

Presentation:

The applicant, Jan Keene, 1635 South Delaware Place, Tulsa, Oklahoma, submitted a site plan (Exhibit D-1) and explained that she is representing the Tulsa City/County Library, which has been working with the Park Department in an endeavor to secure a site for a recreation center and library attached. The location in question is the site that has been recommended by the Park Department. Ms. Keene informed that the building will be located in an IL zone, but the access is zoned RS.

Case No. 13931 (continued)

Comments and Questions:

Ms. White asked the applicant if a plot plan is available and she replied that only a site plan is available at this time.

Mr. Brown informed that the applicant will need additional relief to gain access to an industrial property through an RS-3 district. He advised that the Board can act on the special exception today and the variance request will be advertised and ready for hearing at the March 6 meeting.

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 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a library in an existing IL district; per site plan submitted; subject to the balance of the application being continued to March 20, 1986 for readvertising; on the following described property:

From a point 196' 2" due north of the midpoint of the intersection of Canton and Newton Streets due north 204'; thence due east 243' 1 3/4'; thence south 204'; thence west 243' 1 3/4" to the beginning point in Section 34, T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13933

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow an automotive related facility in a CS zoned district.

Special Exception - Section 250.3(a) - Modification of the Screening Wall or Fence Requirement - Request a special exception to remove the screening requirements where existing physical features provide visual separation of uses, located at 10877 East 11th Street.

Presentation:

The applicant, Ty Hogan, 10936 South Quebec Place, Tulsa, Oklahoma, asked the Board to allow a business that sells automotive related items to move into a building in a CS district. Mr. Hogan asked that the screening requirement be waived. He pointed out that a service station is next door to the building in question and, also, a roofing business and a transmission shop nearby.

Comments and Questions:

Ms. Bradley asked Mr. Hogan what is located north of the tract and he replied that it is vacant land with a creek.

Case No. 13933 (continued)

Mr. Gardner asked the applicant if the work will all be done inside the building and he answered in the affirmative.

Ms. Bradley asked the applicant to state specifically what types of automotive related activities will be done in the building. Mr. Hogan replied that they sell and install accessory products for cars, such as pin stripes, mouldings and other accessories.

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 Commercial Districts - Use Unit 1217) to allow an automotive custom repair and related sales facility in a CS zoned district; and to APPROVE a Special Exception (Section 250.3(a) - Modification of the Screening Wall or Fence Requirement) to remove the screening requirements where existing physical features provide visual separation of uses; finding that there are similar uses in the area and the automotive facility will be compatible with the neighborhood; and finding that the RS zoned property to the north that would require screening is actually vacant land and a creek; on the following described property:

South 270' of Lot 9, Block 2, East Eleventh Park Subdivision,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 13934

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow a day care center, for approximately 15 children in an existing dwelling unit.

Presentation:

The applicant, Herbert Collins, Jr., 3249 North Madison, Tulsa, Oklahoma, stated that he is the owner of the property in question, and is planning to operate a day care center in his home.

Comments and Questions:

Mr. Chappelle asked the applicant to state the days and hours of operation for the center. Mr. Collins replied that it will be open from 7:30 a.m. to 6 p.m., Monday through Friday.

Ms. White asked Mr. Collins if a maximum of 15 children is allowed by the State. He stated that a portion of the property will be used as a residence and 15 is the maximum amount that will be serviced in the facility.

Mr. Chappelle asked if there will be structural changes in the house and the applicant answered that there will be no exterior changes.

Case No. 13934 (continued)

Ms. Wilson remarked that she was not aware the State allowed a family to reside in a day care facility.

Mr. Collins informed that he has been meeting with the Department of Human Services and it is permissible to reside in the center. He pointed out that some changes to the interior of the house may be required.

Ms. Wilson inquired as to where the children will be loading and unloading and Mr. Collins replied that the property faces Madison and the driveway enters from 33rd Street, which has a minimal amount of traffic.

Protestants: None.

Board Action:

On MOTION of WILSON and SECOND by WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no "abstentions"; Clugston, "absent") to APPROVE a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a day care center; subject to the center being located in the existing building at 3249 North Madison; subject to a maximum of 15 children; subject to the facility being approved and licensed by the Department of Human Services; and subject to the hours of operation being from 7:30 a.m. to 6 p.m., Monday through Friday; on the following described property:

Lot 1, Block 4, Wilshire Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13935

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1213 - Request a variance of structure setback from centerline of abutting major street to permit gas island, pumps, canopy, air hose and vacuum unit 30' from centerline of Lewis Avenue, located on the NE/c of 6th Street and Lewis Avenue.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, submitted a site plan (Exhibit E-1) and photographs (Exhibit E-2) of the area. He explained that the property is located at 6th and Lewis, with a proposed right-of-way of 100' on Lewis. Mr. Johnsen stated that there are 2 commercial buildings and 2 smaller homes on the subject tract at this time. These existing buildings are situated 30' from the centerline. He remarked that the canopy, air hose and vacuum will encroach on the city planned right-of-way. The canopy will be 38' to center line or 8' to property line, the gas pumps will be 40' from the center line, and the air hose and vacuum will be 30' from center line.

Case No. 13935 (continued)

Interested Parties:

Ken Thompson, 2331 East 5th Street, Tulsa, Oklahoma, asked if the store will face both streets and Mr. Johnsen stated that the Git-N-Go will face both streets, but a variance is not needed on the south.

Protestants:

Fran Pace, 1326 South Florence Avenue, Tulsa, Oklahoma, District 4 Planning Team, stated that this type of business generates more automobile trips per hour than any other. She stated a concern that development is being continued by 1914 guidelines and asked the Board to require new buildings to be set back farther.

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 280 - Structure Setback from Abutting Streets - Use Unit 1213) of structure setback from centerline of abutting major street to permit gas island, pumps, canopy, air hose and vacuum unit 30' from centerline of Lewis Avenue; per site plan; subject to a removal contract; finding that the property was platted in 1914 and numerous buildings were built over the Major Street Plan setback; on the following described property:

Lots 45 - 50, Block 7, Amended Plat of College View Addition, City of Tulsa, Tulsa, County.

Case No. 13936

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1217 - Request a variance of setback from east property line from 75' to 6' and from south property line from 75' to 22'.

Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1210 - Request a variance to allow off-site parking for an existing industrial use on an abutting OL zoned lot, located at 5740 East Admiral Blvd.

Presentation:

The applicant, Karoll Martin, was represented by Mike Thronton, Suite 660, 525 South Main, Tulsa, Oklahoma, who submitted a copy of the Building Permit (Exhibit F-2) and a site plan (Exhibit F-1). He stated that Mr. Martin owns 2 lots, one with an existing building and the other a parking lot. Mr. Thronton explained that the Postal Department used the vacant lot for 10 years as a parking lot and now the applicant is proposing to add to the existing building and continue to use the parking lot for his business. He informed that the new addition will line up with the existing structure.

Case No. 13936 (continued)

Comments and Questions:

Ms. Wilson asked Mr. Thronton if there is a solid screening fence to the south of the property in question and he answered that there is a fence in place. Ms. Wilson commented that she saw a wood fence behind the vacant lot used for parking, and recalled that there is chain link fencing behind the paint and body shop.

Karoll Martin, 6904 East 8th Street, Tulsa, Oklahoma, stated that the fencing behind the shop is chain link and will be replaced with a privacy fence comparable to the one presently in place behind the vacant lot.

Ms. Bradley asked Mr. Martin if there will be a fence from the existing building east to the proposed addition and he answered in the affirmative.

Ms. White asked the applicant to state the days and hours of operation for the business and he replied that he will be open for business 7 a.m. to 5 p.m., Monday through Friday.

Mr. Jackere asked if the south property line is continuous to the residential lots and Mr. Martin answered that it is. He explained that half of the block is residential and the other half is industrial.

Ms. White asked if cars to be worked on are stored on the vacant lot. The applicant informed that the parking lot will be used for parking for employees, customers and cars waiting for shop repairs.

Protestants:

Fredrick Squires, 35 South Joplin, Tulsa, Oklahoma, stated that he is concerned with the safety of the gate to the lot being close to his home and also, is concerned that the lot will look like a salvage yard. He informed that cars without wheels have been parked on the lot. Photographs were submitted (Exhibit F-3).

Ms. Bradley asked Mr. Squires if the entrance to the property is on Joplin and he replied that it is.

Mr. Jackere asked Mr. Martin if he is opposed to having ingress and egress to the parking lot on Admiral only and he replied that he would not object.

Applicant's Rebuttal:

Mr. Martin stated that the gate has been at the present location for the past 10 years and that moving it would be an added expense to him.

Case No. 13936 (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 Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Use Unit 1217) of setback from east property line from 75' to 6' and from south property line from 75' to 22'; and to APPROVE a Variance (Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1210) to allow off-site parking for an existing Industrial use on an abutting OL zoned lot; per plot plan; subject to days and hours of operation being Monday through Friday, 7:30 a.m. to 5 p.m.; subject to a solid screening fence on the east and the south of the property; subject to ingress and egress being on Admiral only; and subject to the execution of a tie contract; on the following described property:

Lots 1 and 2, Block 4, Berryman Estates Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13937

Action Requested:

Variance - Section 1221 - Business Signs and Outdoor Advertising - Use Unit 1221 - Request a variance to allow an off-site directional sign, located north of 38th Street and south of Broken Arrow Expressway.

Presentation:

The applicant, Finger Furniture, was not present.

Protestants:

Robert Sturgis, 1766 East Erie, Tulsa, Oklahoma, stated that he and his partners own 3 pieces of property in the general area where the sign will be placed, and object to additional signs. He pointed out that there are a vast number of large signs already in place, including one for Finger Furniture. A location map (Exhibit G-1) was submitted.

Ms Wilson pointed out that the proposed sign is 396' from an existing one and the Code requires a 1200' separation.

Ms. Bradley asked Staff if there has been any contact with Finger Furniture and Mr. Brown informed that there has been no communication with the company since the application was made.

There was discussion as to whether the sign which is already in place may be the sign in this application.

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 DENY a Variance (Section 1221

Case No. 13937 (continued)

- Business Signs and Outdoor Advertising - Use Unit 1221) to allow an off-site directional sign; finding that the Board did not see a hardship that would justify the granting of the variance request; on the following described property:

Part of the E/2 southeast, Beginning 30' north and 363.16' east and 121.91' southeasterly of the SW/c northeast southeast thence northeast 458.62' southeasterly on a curve 105.96' southeast 170.19' southeast on curve 89.87' southeast 85.36' southwesterly on curve 149.13' south 41.85 southwest 2.36 southwesterly 66.21' thence on a curve 49.52' northwesterly 61 to POB, Section 23, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Additional Comments:

Mr. Jackere informed that, if an application is denied when an applicant is not present at the hearing, a written notice informing of the Board action should be mailed to the applicant.

Case No. 13938

Action Requested:

Special Exception - Section 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211 - Request a special exception to permit a floor area ratio of 40% in an OL district and variance to permit a 2-story building (1 1/2).

Presentation:

The applicant, Roy Johnsen, stated that the application was filed and notice was given, but there was an omission of several names. He stated that he was not aware of this until 2 days ago and asked that the case be continued in order that all property owners can be properly notified.

Protestants:

Mr. Chappelle inquired of the protestant in the audience if he would be opposed to the continuance of the case in question and he replied that he would not.

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 CONTINUE Case No. 13938 to March 6, 1986.

Case No. 13939

Action Requested:

Special Exception - Section 420 - Accessory Uses in Residential Districts - Request for a special exception to allow a home occupation (air conditioning and heating service) in an RS-2 zoned district, located on the NW/c of 35th Street and Darlington.

Case No. 13939 (continued)

Presentation:

The applicant, Lawrence Small, 5115 East 35th Street, Tulsa, Oklahoma, stated that he was formerly employed by John Zink, but now owns and operates a small heating and air conditioning service at the above stated address. Mr. Small stated that he has 2 vans, 1 employee and a business phone. He asked the Board to allow his helper to report to his home each morning for work. Mr. Small pointed out that usually they take 1 van to their job, and reserve the second van to use when he has work outside the city.

Comments and Questions:

Mr. Jackere pointed out that a home occupation does not allow an employee and asked Mr. Small why his helper cannot meet him at the job site. The applicant replied that it is more convenient to meet at his home and leave together.

Mr. Jackere asked if the name of the business is displayed on the vans and Mr. Small stated that he is in the process of getting signs for them, but they have not had identification in the past.

Ms. Wilson asked the applicant how long he has lived in the present house and he replied that he has lived at the present location for 19 years, but has only operated the business there for 2 years. She asked if he is aware of the home occupation guidelines and he replied that he was not aware that an employee was restricted from coming to the house.

Ms. White asked Mr. Small if he stores business related materials outside and if all work is done away from his home. He replied that he does all work away from his residence and has only a small storage building for personal items and no outside storage. Photographs (Exhibit H-1) and a petition (Exhibit H-2) of support were submitted.

Ms. White remarked that she has looked at the property and there is no visible evidence that a business is being operated there.

Mr. Chappelle informed that Code Enforcement has received a letter stating that a business was being conducted on the subject tract. A letter of protest was submitted (Exhibit H-3).

Interested Parties:

Bob Hawks, 5120 East 35th Street, Tulsa, Oklahoma, informed that the vans are screened and that he does not object to the business, but is concerned that more vehicles might be bought in the future.

Additional Comments:

Ms. White stated that a neighbor has complained that materials are being delivered at an early hour and asked Mr. Small to address

Case No. 13939 (continued)

this subject. He replied that he does not have business deliveries made to his house and does not know what the neighbor has reference to .

Ms. Wilson asked the applicant why he does not lease space for his business and he replied that his business is very small and that it is not economically feasible to rent space that he does not need.

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-0-1 (Chappelle, White, Wilson, "aye"; no "nays"; Bradley, "abstaining"; Clugston, "absent") to APPROVE a **Special Exception** (Section 420 - Accessory Uses in Residential Districts) to allow a home occupation, air conditioning and heating service, in an RS-2 zoned district; per Home Occupation Guidelines, with an office and no employees; subject to no outside work or storage; and subject to 2 vans only at this location; on the following described property:

Lot 14, Block 4, Resubdivision of Yorkshire Estates, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13940

Action Requested:

Minor Variance - Section 330 - Bulk and Area Requirements in the Agriculture District - Request minor variances as follows:

1. Lot width from 200' to 82.17'.
2. Lot area from 2 acres to .43 acres and 1.14 acres.
3. Land area from 2.2 acres to .43 acres and 1.24 acres.
4. No frontage on a dedicated street for west lot (to be tied to Lot 5, Block 1, Hunter's Pointe Addition) Section 207 - Street Frontage Required.

All the above variances are requested in order to permit a lot split.

Presentation:

The applicant, Deanna Rothell, 8317 South Urbana, Tulsa, Oklahoma, was represented by Eli Rothell, who asked the Board to allow him to enlarge his lot by buying an abutting parcel of land 80' by 200'. He informed that TMAPC has approved the 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 330 - Bulk and Area Requirements in the Agriculture District) as follows:

1. Lot width from 200' to 82.17'.
2. Lot area from 2 acres to .43 acres and 1.14 acres.
3. Land area from 2.2 acres to .43 acres and 1.24 acres.
4. No frontage on a dedicated street for west lot (to be tied to Lot 5, Block 1, Hunter's Pointe Addition) Section 207 - Street Frontage Required.

Case No. 13940 (continued)

All the above variances are requested in order to permit a lot split; on the following described property:

The east 886.08' of N/2, N/2, N/2, N/2, SE/4, SE/4, Section 21, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13942

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1213 - Request for a special exception to allow a retail liquor store in an IL zoned district, located at 4101 Southwest Boulevard.

Presentation:

The applicant, C. F. Courtney, 3743 East 48th Street, Tulsa, Oklahoma, asked the Board to grant him permission to put a liquor store in his building on Southwest Boulevard.

Mr. Gardner informed that the majority of this area is commercial and prior to 1970 commercial could be built as a matter of right in an industrial area, but the current Code requires a special exception. He pointed out that the area is appropriate for retail because it is all retail.

Ms. Wilson asked the applicant if the liquor store will be in the west portion of the building 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 Special Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1213) to allow a retail liquor store in an IL zoned district; finding that the use is predominately retail and the granting of the special exception request will not be detrimental to the area; on the following described property:

Lots 2 thru 4, Block 6, Park Addition to Red Fork, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 13663

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in the Industrial Districts - Request a variance of the 75' setback from an abutting RS District to 35', located on the NE/c of Memorial and Crosstown.

Case No. 13663 (continued)

Presentation:

Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, submitted a site plan (Exhibit 1-1) and stated that the Board approved a previous request for the construction of Builder's Square on the subject tract. He pointed out that 275' along the north boundary is zoned RS-2 and is being used as a used car lot at this time. Mr. Johnsen noted that this portion was overlooked in the prior application, and asked the Board to allow them to build within 35' of this residential zoned area.

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 930 - Bulk and Area Requirements in the Industrial Districts) of the 75' setback from an abutting RS District to 35'; per plot plan; finding that there are no residences in the the abutting RS zoned district which is being used for commercial purposes; on the following described property:

All of Lots 11, 12, 13, 14, 15, 16, Block 1; that part of Lot 17, Block 1 lying west of the Gilcrease Expressway; that part of Lots 3, 4, 5 and 6, Block 2; and that part of Lot 1, Block 3 lying North of the Gilcrease Expressway; and the enclosed dedicated street (s), all in Mingo Heights, an addition in Tulsa, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at the northwest corner of said Lot 11, Block 1, then N 89°01'27" E along the north boundary of said Lots 11, 15, 16 and 17, Block 1, a distance of 744.88 feet to a point in the westerly right-of-way line of the Gilcrease Expressway; thence along the right-of-way as follows: S 6°17'13" E a distance of 126.77 feet; thence S 5°52'44" W a distance of 87.77 feet; thence S 20°31'40" W a distance of 59.31 feet; thence S 29°10'37" W a distance of 70.46 feet; thence S 34°31'07" W a distance of 88.23 feet; thence S 46°28'16" W a distance of 52.60 feet; thence S 60°04'59" W a distance of 139.97 feet; thence S 72°42'10" W a distance of 231.56 feet; thence S 76°02'55" W a distance of 72.08 feet; thence S 71°04'45" W a distance of 137.94 feet; thence S 57°06'33" W a distance of 60.84 feet to a point in the west boundary of said Lot 1, Block 3; thence N 1°04'46" W along the west boundary of Block 3 and Block 1 of said Mingo Heights 660.54 feet to the point of beginning, containing 8.78746 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 12075

Action Requested:

Variance - Section 930 - Bulk and Area Requirements In the Industrial District - Request for a variance of the setback from the northern R district from 75' to 10'.

Variance - Section 1225.3 - Use Conditions - Request for a variance of the screening requirement from the abutting R districts, located at 6408 East Archer Street.

Presentation:

The applicant, Sam Huckaby, was represented by Gail Plummer, 18 St. Andrews Circle, Broken Arrow, Oklahoma, who submitted a revised site plan (Exhibit J-1) and explained that the building was built in 1982 and was constructed closer to the street than the Code allowed. Mr. Plummer stated that the building will be extended 40' to the west. He asked the Board to waive the requirement of a screening fence.

Comments and Questions:

Ms. Bradley stated that the land to the north is in the flight path and will probably not be developed.

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 930 - Bulk and Area Requirements In the Industrial District) of the setback from the northern R district from 75' to 10'; and to **APPROVE** a Variance (Section 1225.3 - Use Conditions) of the screening requirement from the abutting R districts; per revised plot plan; finding that there are no residences in the RS zoned area which is also in the flight path of the airport; on the following described property:

A part of the SW/4 of the NW/4 of Section 26, T-20-N, R-13-E, of the I.B.M., Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Commencing at the SW/c corner of said SW/4 of the NW/4 of Section 26, T-20-N, R-13-E; thence N 1°18'08" W along the west line of said Section 26 for a distance of 40'; thence N 88°45'25" E parallel to and 40' north of the south line of said SW/4 of the NW/4 for a distance of 333.54' to the Point of Beginning; thence continuing N 88°45'25" E, parallel to and 40' north of the south line of said SW/4 of the NW/4 for a distance of 429.32'; thence N 1°18'08" W for a distance of 125.13'; thence N 88°08'32" W for a distance of 429.97'; thence S 1°18'08" E for a distance of 148.39' to the Point of Beginning containing 1.348 acres, more or less.

CDP #78 - Minor Amendment Thereof

Presentation:

Clayton Morris, Cox Engineering, 7935 East 67th Street, Tulsa, Oklahoma, stated that he is representing the owner of the property in question. He informed that the shape of the lots is being amended and lot lines are being rearranged.

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 Amendment** of CDP #78; finding that, even though the lots are irregular in shape, the lot split meets the subdivision and zoning regulations; on the following described property:

NW/4, SW/4 of Section 16, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting adjourned at 3:45 p.m.

Date Approved

3/6/86


Chairman