

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 459
Thursday, March 6, 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	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, March 4, 1986, at 12:05 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 1:02 p.m.

MINUTES:

Ms. Wilson pointed out that the minutes of February 20, 1986 contained an error on Case No. 13931. The date of continuance should have read March 20, 1986 instead of March 6 as stated in the minutes.

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** the Minutes of February 20, 1986 as corrected.

UNFINISHED BUSINESS

Case No. 13650

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required 30' street frontage to 20' to permit a lot split in an RS-1 zoned district, located north of the NE/c of Peoria and 29th Street.

Comments and Questions:

Mr. Jones explained that this case was continued at the first hearing and denied at the second hearing because the applicant was not present. The applicant has readvertised and asked the Board to hear his case at this time.

Mr. Jackere stated that action must be taken on each case within a 90 day period and asked when the subject application was made. Mr. Jones informed that the application was made on February 5, 1986.

Case No. 13650 (continued)

Presentation:

The applicant, Michael Parrish, was not present. Mr. Jones asked that Case No. 13650 be continued to March 20, 1986.

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 CONTINUE Case No. 13650 to March 20, 1986.

Case No. 13913

Action Requested:

Variance - Section 1221.7(L) and 1221.5(a) - Use Conditions for Outdoor Advertising Signs and Business Signs - Request a variance of display surface area in IL District to allow 2,400 sq. ft.

Variance - Section 1221.7(b) - Use Conditions for Outdoor Advertising Signs - Request a variance of spacing between signs from 1200' to 0'.

Variance - Section 1221.7(e) - Request a variance of sign face size from 672 sq. ft. to 1,200 sq. ft.

Variance - Section 1221.7(J) - Request a variance to allow more than one support pole.

Variance - Section 1221.7(k) - Request a variance of sign height from 50' to 150'.

Variance - Section 1430.1(a) - Nonconforming Signs - Outdoor Advertising Signs - Request a variance of the removal ordinance, located on the SW/c of Mingo Valley Expressway and Broken Arrow Expressway.

Presentation:

Mr. Jones informed that the applicant, Bill Stokely, contacted him by phone and asked that Case No. 13913 be continued in order that he have time to gather additional information.

Mr. Stokely was present.

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. 13913 until March 20, 1986.

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, 324 Main Mall, Tulsa, Oklahoma, submitted a site plan (Exhibit A-1) and photographs (Exhibit A-2) of the building in question and the surrounding area. The property is zoned OL and is presently used for a dental office. Mr. Johnsen asked the Board to allow a variance of the 1-story height limitation and an increase of floor area ratio from .30 to a proposed .395. Mr. Johnsen stated that the building to the north of the subject property has increased floor area ratio in a similar application and is now a 2-story building. He informed that these 2 structures have the same owner and the architectural style will be the same in both buildings, with the new one being approximately 2/3 the size of the larger structure. Mr. Johnsen pointed out that the 2-story Boardwalk Offices, across Lewis from the subject property, are located in an OL district and south of the Public Service Substation is a 2-story building in an OM district. He stated that there is a steep rise in elevation of approximately 20' from south to north and the western portion will be 2-story and the remainder 1-story.

Comments and Questions:

Ms. Bradley asked Mr. Johnsen if the existing building will be demolished and he informed that the building is over 30 years old and will be removed.

Ms. Wilson asked if the building could be called 1 1/2-story and the applicant stated that he has no objection.

Ms. White inquired of the applicant if there will be windows in the 2-story portion to the east and he answered in the affirmative.

Mr. Johnsen stated that a neighbor that lives on the west side of Louis on 54th Place is opposed to the 2-story building. Mr. Johnsen informed that there is a 2-story building directly across the street from his residence on the east side of Lewis. He stated that his yard raises rapidly and feels that the building will be barely visible from that property which is 200' away.

Ms. Bradley asked the applicant if there will be required screening between the OL district and the residence to the east and he answered that the screen will be 6' at the boundary line.

Ms. Wilson asked if the building will face 54th Street and Mr. Johnsen replied that it will face Lewis.

Case No. 13938 (continued)

Ms. Wilson inquired if the parking requirements will change and Mr. Johnsen informed that they will not change.

Ms. Bradley asked the applicant to state the distance from the rear of the building to the lot line on the east. Mr. Johnsen replied that the distance will be approximately 10'.

Mr. Chappelle informed that a letter of protest (A-3) was received from James Northcutt on South Gillette.

Protestants:

James Northcutt, 5407 South Gillette, Tulsa, Oklahoma, stated that the building in question will be visible from his home. He pointed out that the topography from Lewis drops drastically down to Gillette and the building that exists today is highly visible from his property.

Robert Greenough, 5425 South Gillette, Tulsa, Oklahoma, informed that he lives directly west of the proposed building and from his fence line he can see the roof of the one that exists at this time. He stated a concern that the new construction will be 2-stories with an arched window light. He pointed out that the building to the north is lit all night and feels this one will be similar.

Applicant's Rebuttal:

Mr. Johnsen stated that the owner of the buildings was not aware that the lighting in the arch was offensive to the neighborhood and that the lights will be turned off at 6:30 p.m. in the future.

Ms. Wilson voiced a concern with the number of windows on the east of the building.

Mr. Gardner informed that OL and RM-1 equate under the Code and that RM-1 allows a 2-story apartment building which is occupied day and night, while an office building closes at 5 p.m. and there would not be as much privacy loss.

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 630 - Bulk and Area Requirements in the Office Districts - Use Unit 1211) to permit a floor area ratio of 40% in an OL District; and to APPROVE a **Variance** to permit a 2 story building (1 1/2); per submitted plot plan and elevations; subject to arch lighting being turned off at 6:30 p.m.; finding a hardship imposed on the applicant by the topography of the lot; finding that there are other 2-story buildings in the area and that the granting of the special exception request does not violate the spirit and intent of the Code; on the following described property:

Case No. 13938 (continued)

The S/2 of the N/2 of the SW/4 of the NW/4 of Section 32,
T-19-N, R-13-E, 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 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 20, 1986.

MINOR VARIANCES AND EXCEPTIONS

Case No. 13948

Action Requested:

Minor Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the required 10' side yard setback (south side of lot) to 9', located at 6416 South Pittsburg Avenue.

Presentation:

The applicant, W. H. Neafus, 7105 South 76th East Avenue, Tulsa, Oklahoma, asked the Board to allow a minor variance in order that brick can be added to a building which is now under construction.

Protestants: None.

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 **Minor Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required 10' side yard setback (south side of lot) to 9'; finding a hardship imposed on the applicant by the single family neighborhood being previously zoned for apartments; on the following described property:

Case No. 13948 (continued)

Lot 25, Block 2, Livingston Park South Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 13960

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request a variance of the lot width from 100' to 90', lot area from 13,500 sq. ft. to 13,050 sq. ft., and land area from 16,000 sq. ft. to 15,300 sq. ft. In order to permit a lot split, located on the SE/c of 41st Street and Columbia Avenue.

Presentation:

The applicant, Gary Krisman, 2708 East 41st Street, Tulsa, Oklahoma, stated that he is owner of the tract in question and asked the Board to grant a lot split.

Comments and Questions:

Mr. Gardner informed that TMAPC approved the application and explained that Mr. Krisman is splitting the lot and leaving an existing accessory building in place.

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 **Minor Variance** (Section 430 - Bulk and Area Requirements in Residential Districts) of the lot width from 100' to 90', lot area from 13,500 sq. ft. to 13,050 sq. ft., and land area from 16,000 sq. ft. to 15,300 sq. ft. in order to permit a lot split; per survey submitted; on the following described property:

A tract of land located in the E/2 of the NE/4 of the NW/4 of Section 29, T-19-N, R-13-E of the Indian Base and Meridian in Tulsa County, Oklahoma, according to the United States Government Survey thereof, and being more particularly described as follows:

Beginning at the NW/c of the E/2 of the NE/4 of the NW/4 of Section 29, T-19-N, R-13-E, thence East along the north section line a distance of 25' for the place of beginning; thence South and parallel to the west line of the E/2 of the NE/4 of the NW/4 a distance of 250'; thence east and parallel to the north section line a distance of 150'; thence north and parallel to the west line of the E/2 of the NE/4 of the NW/4 a distance of 250'; thence west along the north section line a distance of 150' to the point of beginning, LESS that portion of the land lying in the roadway along the north section line, known as 41st Street, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 13941

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow a camper for use as a temporary residence in an RS-3 zoned district, located north of the NW/c of 36th West Avenue and 4th Street West.

Presentation:

The applicant, James LeMarr, Route 4, Broken Arrow, Oklahoma, asked the Board to allow him to live in a camper on a lot he has purchased. He stated that he plans to have a house completed in approximately 1 year.

Comments and Questions:

Ms. White asked Mr. LeMarr to describe the camper and he explained that it fits on a pickup and has a bed over the cab.

Ms. White inquired if there are houses surrounding the lot in question and the applicant replied that there are houses in the area. He explained that there are several mobile homes near his property.

Ms. Wilson stated that, when she viewed the site, the camper appeared to be permanently set up on the property. Mr. LeMarr pointed out that the camper is located on his father's property at this time and that his lot is vacant.

Mr. Jackere asked Mr. LeMarr if there is any type of sewage disposal on the lot and he stated that the camper is self contained, but that he plans to install sewer, water and electricity.

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 **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow a camper for use as a temporary residence in an RS-3 zoned district; finding that a camper as a residence would be detrimental to the neighborhood and the special exception requested violates the spirit and intent of the Code; on the following described property:

Lot 15, Block F, Joe Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13943

Action Requested:

Special Exception - Section 240.2(c) - Permitted Yard Obstructions - Use Unit 1206 - Request for a special exception to allow a fence of 5'8" height within the front yard in an RS-3 zoned district, located at 3736 South Sandusky Avenue.

Presentation:

The applicant, Bobbi Parrish, 1155 East 61st Street, Tulsa, Oklahoma, submitted photographs (Exhibit B-1) and letters of support (Exhibit B-3) from neighbors. Ms. Parrish informed that there is a pool in the front yard at the above stated address and the fence is around the pool.

Comments and Questions:

Ms. Bradley asked the applicant if the pool was installed when the property was purchased and she replied that it was. She explained that the owner had a leg removed and his doctor has recommended swimming for exercise. She pointed out that the irregular shape of the lot made it impossible to place the pool at another location. She noted that the fence is approximately 40' from the street and does not obstruct the view of motorists.

Protestants:

Mr. Chappelle stated that Code Enforcement has received a letter of complaint (Exhibit B-2) which stated that a fence exceeding the height requirements is in place on the subject property.

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 240.2(c) - Permitted Yard Obstructions - Use Unit 1206) to allow a fence of 5'8" height within the front yard in an RS-3 zoned district; finding that the large lot is irregular in shape and the location of the fence 40' from the street does not obstruct the view of the motorists entering the intersection; on the following described property:

Lot 21, Block 11, Walter Foster Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13944

Action Requested:

Appeal - Section 1650 - Appeal From The Building Inspector.

Use Variance - Section 1221.7(a) - Use Conditions for Outdoor Advertising Signs - Use Unit 1221 - Request a use variance to allow

Case No. 13944 (continued)

an existing outdoor advertising sign in an RS-3 zoned district, located at 3821 North Lewis.

Presentation:

The applicant, Camdon Coffman, 8266 East 41st Street, Tulsa, Oklahoma, who represented Tyler Outdoor Advertising, submitted photographs (Exhibit C-1) and a copy of a Sign Permit (Exhibit C-2) for the sign in question. He stated that in January his client received a notice for removal of a sign at 3821 North Lewis. Mr. Coffman explained that a permit was issued for the sign in 1983 and it was constructed in 1984. He stated that it was assumed at the time of purchase that the location was legal since a permit had been issued, although, there may be some question as to the legal description on the application.

Comments and Questions:

Ken Bode, Protective Inspections, stated that the permit was issued under a CS zoning. He informed that the legal description was not correct and after a records search it was determined that the sign was in a residential zone.

Ms. Wilson asked if the applicant was incorrect when he determined the sign was in a CS zone and Mr. Bode informed that the person who issued the sign permit, and not the applicant, determined that the sign was in a CS district.

Mr. Gardner pointed out that the Board should look at the surrounding land use and determine if the sign can remain until all outdoor advertising signs are removed in 1996.

Ms. Wilson stated that the sign in question appears to be an illegal sign.

Applicant's Rebuttal:

Mr. Coffman pointed out that the west frontage of Lewis Avenue north of 36th Street is industrial in character. He noted that to the north is a heavy equipment salvage and to the south is an auto salvage. The applicant suggested that the hardship is the fact that typical RS property does not have heavy equipment salvage or machine shops.

Additional Comments:

Ms. Wilson pointed out that the sign is not permitted by the present Code.

Mr. Gardner explained that the fact that this area is zoned RS-3 is unique because of the commercial and industrial uses in the area, and the Board should determine if the sign in question is appropriate.

Protestants: None.

Case No. 13944 (continued)

Board Action:

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 2-2-0 (Bradley, Wilson, "aye"; Chappelle, White, "nay"; no "abstentions"; Clugston, "absent") to UPHOLD the **Determination** of the Building Inspector; and DENY an **Appeal** (Section 1650 - Appeal From The Building Inspector).

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 **Use Variance** (Section 1221.7(a) - Use Conditions for Outdoor Advertising Signs - Use Unit 1221) to allow an existing outdoor advertising sign in an RS-3 zoned district; subject to removal of the sign per Section 1430.1(a) by January 1, 1995; finding a hardship demonstrated by the fact that the RS-3 zoning is not a typical residential district and the land use is commercial and industrial; on the following described property:

Beginning at the NW/c, NW, SW, SW, thence east 660', south 230', west 150', south 100', west 94', north 104.37', west 416', north 226' to POB, less west 33' and east 25', Section 17 T-20-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13945

Action Requested:

Variance - Section 710 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214 - Request a variance of the setback from the centerline of Lewis Avenue from 100' to 94' and a variance of the rear yard setback from 10' to 6' to allow for the replacement of part of an existing building.

Variance - Section 1214.3(b) - Shopping Goods and Services - Use Conditions - Request a variance to waive the screening requirements separating a CS district from an abutting R district, located at 809 South Lewis.

Presentation:

The applicant, L. W. Harbert, 809 South Lewis, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1) and stated that he is proposing to replace the wooden portion attached to an existing cement block building, at the above stated address. He pointed out that he could use the existing slab and plumbing that is already installed if the Board approves the setback variances. Mr. Harbert informed that the slab and the wooden building lines up with the block building and with the neighbor to the north. Mr. Harbert asked that the screening requirement be waived in order that the neighbor ladies can watch his property and the property to the north.

Case No. 13945 (continued)

Comments and Questions:

Mr. Bradley asked if the building will be demolished and Mr. Harbert replied that it will be torn down.

Ms. Bradley asked if the new building will have windows in the back and he answered that there will be no windows.

Protestants:

Fran Pace, 1326 South Florence Avenue, Tulsa, Oklahoma, represented District 4 and stated that she objects to the waiving of the screening requirements. She stated that she feels a privacy screen would benefit the whole area.

Ms. Bradley asked Ms. Pace if she has conversed with the residents to the east of the property who asked that the screening be waived. Ms. Pace replied that she has not spoken with the neighbors but that the Zoning Code does require a privacy screen.

Additional Comments:

Ms. Wilson asked the age of the ladies who live to the rear of the property in question and the applicant stated that he is not sure of the age, but they are older mature women.

Mr. Gardner pointed out that the building would be within 6' and a screening fence would not block the airflow any more than the building. Mr. Harbert stated that he is concerned that the space would be a place for transients to hide without being seen. Mr. Gardner asked if he has a wire fence that he intends to install and he replied that he does.

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 710 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214) of the setback from the centerline of Lewis Avenue from 100' to 94' and a variance of the rear yard setback from 10' to 6' to allow for the replacement of part of an existing building; per plot plan; finding that the existing encroachments constitute a hardship; and finding that the new portion will be placed on the existing slab and will continue to align with the adjoining structure.

Ms. White's motion for approval of the 2nd variance died for lack of a second.

On MOTION of WILSON and SECOND by BRADLEY, the Board voted 2-2-0 (Bradley, Wilson, "aye"; Chappelle, White, "nay"; no "abstentions"; Clugston, "absent") to DENY a Variance (Section 1214.3(b) - Shopping Goods and Services - Use Conditions) to waive the screening requirements separating a CS district from an abutting R district, on the following described property:

Case No. 13945 (continued)

South 75' of Lot 1, Block 3, Highlands Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 13946

Action Requested:

Variance - Section 1214.3 - Shopping Goods and Services - Use
Conditions - Use Unit 1214 - Request a variance to allow open air
sales of lawn and garden goods on a temporary basis periodically in
a CS zoned district within 300' of an adjoining R district, located
at 1724 South Harvard.

Presentation:

The applicant, Robert and Janet Rusley, was represented by Roy
Johnsen, 324 Main Mall, Tulsa, Oklahoma, who explained that his
clients operate a True Value Hardware at the above stated address
and need an outside display of plants and garden supplies. This
display consists of flowers, peat moss, shrubs, and garden tools and
Mr. Johnsen pointed out that this seasonal operation is a vital part
of the business. He noted that open air storage is not permitted
within 300' of the residential area which abutts the property to the
west. Mr. Johnsen pointed out that his client has met with 22 of
these property owners and they are all supportive of this
application. He stated that there is 10' under the front canopy
within the property line and his client would like permission to
display garden tools, wheel barrows, lawn mowers, etc., in this area
and along the south wall of the building. Mr. Johnsen stated that
the south display area will be 25' in width and will not extend
closer to the residential neighborhood than 35'. He read
development standards for the application which stated that the open
air display will occur only during a period from March 1 through
July 31, the display areas will be limited to an area 25' in width
extending along the south boundary wall and not closer than 35' to
the west property line and to an area 10' in width extending along
the front building wall, the display south of the building shall be
limited to flowers, potting soil, top soil and peat, and the display
along the front of the building shall be limited to garden tools,
ladders, wheel barrows and lawn mowers. Mr. Johnsen mentioned that
an application for motorcycle sales on the subject property was
denied and the neighbors to the west were opposed to that type of
business because of the noise.

Protestants:

Fran Pace, 1326 South Florence, Tulsa, Oklahoma, stated that she
represents District 4 and is delighted to have the True Value Store
in the neighborhood, however, asked that the display be restricted
to the rear of the store. Ms. Pace pointed out that the attention
of motorists is diverted to the display when it is in front of the
store and away from the children who are going to and from school.

Case No. 13946 (continued)

She informed that a furniture store to the south has started to display articles in front of that building and feels the granting of the variance will set a precedent for the area.

Mr. Jackere pointed out that the impact on the residential district of the open air display is the reason for the provision in the Code and not whether it is a traffic distraction.

Buddy Smith, Code Enforcement, stated that this office has received complaints that the sidewalk is blocked with merchandise and patrons. He pointed out that last year there were displays on both sides of the sidewalk during the spring and summer months and asked the Board to limit displays to the side of the building if the application is approved.

Applicant's Rebuttal:

Mr. Johnsen pointed out that a front display would be allowed by right if the store was 300' from the residential area, but none would be permitted in the right-of-way. He assured the Board that materials or plants would not be displayed by his client in the right-of-way.

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 1214.3 - Shopping Goods and Services - Use Conditions - Use Unit 1214) to allow open air sales of lawn and garden goods, tools and equipment on a temporary basis periodically in a CS zoned district within 300' of an adjoining R district; subject to the open air display occurring only during a period from March 1 through July 31, the display area being limited to an area 25' in width extending along the south boundary wall and not closer than 35' to the west property line; and subject to no open air display in front of the building; on the following described property:

Lots 6 and 7, and the north 30' of Lot 8, Exposition Heights
Second Addition City of Tulsa, Tulsa County, Oklahoma.

Case No. 13947

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1202 - Request a special exception to permit a circus on a temporary basis, located NW of the NW/c of South Lewis Avenue and East 73rd Street South.

Case No. 13947 (continued)

Presentation:

The applicant, Alan Bram, 6914 East 61st Place, Tulsa, Oklahoma, submitted a copy of the Performance Agreement (Exhibit E-2) and stated that he is proposing to host the Culpepper and Merlweather Circus Sunday, June 15, 1986, at the above stated address. He informed that the circus is a 1-ring variety show and will be conducted under a tent which has a seating capacity of approximately 400. Mr. Bram stated that there will be shows at 1 p.m., 3 p.m. and 5 p.m. and they will be set up on June 14 and depart on June 16.

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 1202) to permit a circus for one day, June 15, 1986; on the following described property:

A part of Block 6, Kensington, an addition to the City of Tulsa, Tulsa county, Oklahoma, according to the recorded plat thereof, recorded as Plat No. 3640 and being more particularly described as follows, to-wit:

Commencing at the NW/c of Block 6, Kensington, and addition to the City of Tulsa, Tulsa county, State of Oklahoma, according to the recorded plat thereof; thence S 0°53'44" W a distance of 0.00'; thence on a curve to the right, having a central angle of 23°11'42" and a radius of 1,165.00' a distance of 471.63' to the Point of Beginning; thence N 89°54'43" E a distance of 431.80'; thence S 00°5'17" E a distance of 0.84'; thence N 89°54'43" E a distance of 5.02'; thence S 0°05'17" E a distance of 79.53'; thence S 45°05'17" E a distance of 61.62'; thence N 44°54'43" E a distance of 30.07'; thence S 45°05'17" E a distance of 29.98'; thence N 44°54'43" E a distance of 60.04'; thence S 45°05'17" E a distance of 28.63'; thence S 44°54'43" W a distance of 8.80'; thence S 45°05'17" E a distance of 30.40'; thence N 44°54'43" E a distance of 8.80'; thence S 45°05'17" E a distance of 1.00'; thence N 44°54'43" E a distance of 30.07'; thence S 45°05'17" E a distance of 29.98'; thence N 44°54'43" E a distance of 30.02'; thence S 45°05'17" E a distance of 30.01'; thence N 44°54'43" E a distance of 30.00'; thence S 45°05'17" E a distance of 60.05'; thence N 44°54'43" E a distance of 29.64'; thence S 45°05'17" E a distance of 21.37'; thence N 44°54'43" E a distance of 52.09'; thence S 45°05'17" E a distance of 30.00'; thence S 0°05'17" E a distance of 123.85'; thence S 44°54'43" W a distance of 205.80'; thence S 45°05'17" E a distance of 231.37'; thence S 46°03'30" E a distance of 67.50'; thence S 43°56'21" W a distance of 71.08'; thence on a curve to the right having a central angle of 161°01'50" and a radius of

Case No. 13947 (continued)

546.38' a distance of 1,535.61'; thence N 24°58'11" E a distance of 30.00' thence on a curve to the left having a central angle of 0°52'45" and a radius of 1,165.00' a distance of 17.88' to the POINT OF BEGINNING, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13949

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 25' to 8' to allow for construction of a garage, bedroom and bath to the existing home, located on the SW/c of 27th Place South and South Evanston Avenue.

Presentation:

The applicant, A. C. Reeds, Jr., was represented by Attorney Tom Mason, 2146 East 27th Street, Tulsa, Oklahoma, who submitted a location map and plot plan (Exhibit F-1). He informed that he represents Mr. Reed and Mr. and Mrs. Mike Murray, owners of the property in question and explained that they would like to construct an addition which would encroach on the 25' back yard setback line. Photographs (Exhibit F-2) were submitted. Mr. Mason pointed out that the house will line up with the home 2 houses down the street. He noted that the other homes on Evanston are built up to the 5' from the lot line and the home of his clients will be 8' from the boundary. A petition of support (Exhibit F-3) signed by 12 neighbors was submitted. Mr. Mason stated that 1 next door neighbor voiced an objection to the addition.

Protestants:

Fannie Stockfish, 2724 South Evanston, Tulsa, Oklahoma, noted that she has talked to homeowners in the area and is representing several of those who work and protest the construction. A petition (Exhibit F-4) was submitted. Ms. Stockfish stated that she objects to the new addition being built close to her garage.

Mr. Jackere asked the applicant what she finds objectionable to their garage being close to her garage. She replied that the lots are large and does not like the fact that they will build as close as 8'.

Ms. Wilson asked the applicant how close her home is to the house to the south and she replied that there is a 29' space between the 2 houses.

Ben Stockfish, 2724, South Evanston, Tulsa, Oklahoma, stated that the lots are large and the houses in the area are not close together.

Case No. 13949 (continued)

Marlon Buercklin, 2745 South Evanston, Tulsa, Oklahoma, stated that he will not be directly affected by the addition, but feels the Stockfish's privacy is being violated by the proposed construction.

Interested Parties:

Jim Bishop, 2818 East 27th Street, Tulsa, Oklahoma, remarked that he lives 2 houses to the west of the applicant and is in support of the application.

Comments and Questions:

Mr. Jackere informed that the Code would permit the applicant to locate a detached garage within 3' of the property line.

Applicant's Rebuttal:

Mr. Mason pointed out that the 2 garages will be 10 feet apart and feels that the new construction will not be detrimental to the neighborhood.

Ms. Bradley asked Mr. Mason what will be done with the garage on 27th Place and he replied that it will be enclosed in the future and made a part of the house.

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 1206) of the rear yard setback from 25' to 8' to allow for construction of a garage, bedroom and bath to the existing home; per plot plan submitted; finding a hardship demonstrated by the corner lot location; on the following described property:

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

Case No. 13950

Action Requested:

Variance - Section 280 - Structure Setback From Abutting Streets - Use Unit 1221 - Request a variance of setback from the centerline of 21st Street from 60' to 41' to allow for a sign, located at 2525 East 21st Street.

Presentation:

The applicant, Larry Wald, was not present.

Comments and Questions:

Ricky Jones informed that his office has received a letter from the applicant requesting that Case No. 13950 be continued to March 20, 1986, in order that he can advertise for additional relief.

Case No. 13950 (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 CONTINUE Case No. 13950 until April 3, 1986.

Case No. 13951

Action Requested:

Appeal - Section 1650 - Appeals From the Building Inspector - Use Unit 1221 - Request for an appeal from the decision of the Building Inspector and/or

Variance - Section 1221.3 (k) - General Use Conditions for Business Signs - Request a variance to allow a roof sign on a commercial building, located at 2323 East 71st Street.

Presentation:

The applicant, Larry Waid, was not present.

Comments and Questions:

Ricky Jones informed that a letter was received from the applicant which stated that he no longer needs the relief requested and asked that Case No. 13951 be withdrawn.

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 WITHDRAW Case No. 13951.

Case No. 13952

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of the lot width from 75' to 63' and 53', a variance of the side yard requirements from 10' to 7.4' and 2.2', a variance of lot area from 9,000 sq. ft. to 7,800 sq. ft. and 6,890 sq. ft., and a variance of land area from 10,875 sq. ft. to 9,300 sq. ft. and 8,215 sq. ft., located on the NE/c of 24th Place and Troost Avenue.

Presentation:

The applicant, Michael Yeksavich, Attorney, was not present. Jack Sellers, 2267 South Troost, Tulsa, Oklahoma, stated that his attorney was unable to attend and informed the Board that he is the property owner. He explained that this application is to correct an omission that took place approximately 25 years ago and was not discovered when he bought the property in 1980. Mr. Sellers stated

Case No. 13952 (continued)

that a lot split was not completed, but in making application for a new loan, the mortgage company required its completion. A plat of survey (Exhibit G-1) was submitted.

Interested Parties:

Jo Stanley Glenn, 1044 East Pine, Tulsa, Oklahoma, stated that she represents Margaret Glenn and Peggy German who reside at 2425 and 2421 South Troost and asked for clarification of the application.

Mr. Gardner explained that the property, when originally platted, had the lot line 3' from where it has been for 20+ years. The 3' was deeded by separate instrument to the abutting property owner, but did not formally go through the lot split process. The area is zoned RS-2, but most of the lots meet RS-3 standards. He pointed out that TMAPC has approved the lot split, subject to Board of Adjustment approval.

Ms. Glenn stated that she and her clients do not protest the application.

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 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the lot width from 75' to 63' and 53', a variance of the side yard requirements from 10' to 7.4' and 2.2', a variance of lot area from 9,000 sq. ft. to 7,800 sq. ft. and 6,890 sq. ft. and a variance of land area from 10,875 sq. ft. to 9,300 sq. ft. and 8,215 sq. ft.; per survey submitted; on the following described property:

Lots 16 and 17, Block 7, Terwilliger Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13953

Action Requested:

Special Exception - Section 420.1 - Accessory Uses in Residential Districts - Use Unit 17 - Request a special exception to allow a home occupation (car repair) in an RS-3 district, located at 2232 East Tecumseh.

Presentation:

The applicant, Brenda Gilbreth, 2232 East Tecumseh, Tulsa, Oklahoma, asked the Board to allow a mechanic shop to operate in her garage.

Comments and Questions:

Mr. Chappelle asked the applicant if she has a copy of the Home Occupation Guidelines and she replied that she has a copy.

Case No. 13953 (continued)

Mr. Chappelle pointed out that employees and signs are not permitted and Ms. Galbreth stated that she does not want employees.

Mr. Jackere asked Ms. Galbreth if she has cars parked outside and she replied that she has her personal cars parked there.

Mr. Jackere inquired of the applicant if she works on more than one car at a time and asked if he could leave his car to be worked on. Ms. Galbreth stated that she could park cars in the back yard on the gravel.

Mr. Chappelle submitted a letter (Exhibit H-3) from Code Enforcement which stated that vehicles are parked on the street and there are neighborhood complaints that the business is operating late at night. Photographs were submitted (Exhibit H-1).

Ms. White asked Ms. Galbreth to state the hours of operation of the business and she replied that it is open from 9 a.m. to 10 p.m.

Mr. Jackere stated that the photographs indicate that there are approximately 7 cars parked on the lot and inquired as to the number of vehicles owned by the applicant. Ms. Galbreth stated that she owns 4 cars and the cars in the photograph were there in the past, but are no longer on her property.

Interested Parties:

Audie Shealy, 2233 East Tecumseh, Tulsa, Oklahoma, stated that he is not against a garage on the property, but would like the hours restricted to daytime.

Additional Comments:

Ms. White asked Ms. Gilbreth how many cars are usually waiting to be worked on and she replied that there is 1 and sometimes 2.

Ms. Wilson commented that there were several automobiles parked on the lot when she viewed the property.

Mr. Chappelle stated that a letter of protest (Exhibit H-2) was received from a resident at 1901 North Lewis.

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 **Special Exception** (Section 420.1 - Accessory Uses in Residential Districts - Use Unit 17) to allow a home occupation (car repair) in an RS-3 district; finding that the special exception request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 13953 (continued)

The west 150' of the north half of Lot 1, Block 2, less the North 10' for street N/2, E/2, Lot 2, Block 5, Conservation Acres Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13954

Action Requested:

Variance - Section 630 - Bulk and Area Requirements in Office Districts, Section 280 - Structure Setback From Abutting Streets - Use Unit 1211 - Request a variance from the structure setback from an abutting street and from the building setback in the OM District to permit the construction of an office building within 60' of the centerline of South Utica Avenue, located on the NW/c of East 19th Street and South Utica Avenue.

Presentation:

The applicant, Charles Norman, Suite 909, Kennedy Building, Tulsa, Oklahoma, represented Doyle Cotton, purchaser of the property in question. He explained that the owner is proposing to construct a building to house his own offices and that he was before the Board in December to acquire permission to build a garage next to the existing 2-story building. Mr. Norman informed that the new plan is to remove the house and construct a 1-story office building and attached garage, which will be set back about 5' more than the point of the existing house which is built diagonally on the lot. He pointed out that there are structures to the north and south that are closer to the right-of-way line than the proposed building. A plot plan and elevations (Exhibit 1-1) were submitted by the applicant.

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 630 - Bulk and Area Requirements in Office Districts, Section 280 - Structure Setback From Abutting Streets - Use Unit 1211) from the structure setback from an abutting street and from the building setback in the OM district to permit the construction of an office building within 60' of the centerline of South Utica Avenue; per plot plan and elevations submitted; finding a hardship demonstrated by the corner lot location with setbacks on 2 streets; on the following described property:

Lot 6, Block 2, Swan Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13955

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential District - Use Unit 1209 - Request a special exception to allow a mobile home in an RM-2 district.

Special Exception - Section 420 - Accessory Uses in Residential Districts - Use Unit 1215 - Request a special exception to allow a home occupation (beauty shop) within an accessory building.

Variance - Section 440.6(a) - special Exception Uses, Requirements - Request a variance to waive the 1 year time limitation for the mobile home, located at 4711 West 8th Street.

Presentation:

The applicant, Wade Admire, 6709 West 8th Street, Tulsa, Oklahoma, stated that he is in the process of purchasing property at the above stated address.

Comments and Questions:

Ms. Bradley asked the applicant if there is a house on the property he is proposing to buy and he replied that the lot is vacant.

Ms. Wilson inquired of the applicant if there are other mobile homes in the neighborhood and he answered that to the east of the property is the A and B Trailer Court and approximately 5 mobiles are scattered in a 2-mile radius.

Ms. Bradley asked where the accessory building for the beauty shop will be located and he replied that their mobile will be on the east portion of the lot and the portable shop will be on the west, aligning with the mobile home.

Ms. White asked Mr. Admire if there will be employees in the shop and his wife, Mary Admire, stated that there will be no employees.

Ms. Bradley inquired as to the location of the parking lot and the applicant stated that the building will be 50' from the sidewalk, which will allow parking in the front.

Ms. Wilson asked the applicant to state the days and hours of operation and Ms. Admire informed that she works at another job Monday through Saturday and would work in the shop only in the evening.

Ms. Hubbard explained to the Board that the applicant would need additional relief to place an accessory building in the side yard.

Protestants:

Roland Walker, 4736 West 8th Street, Tulsa, Oklahoma, stated that there is definitely not ample parking for the business. He pointed

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Case No. 13955 (continued)

out that the trailer park is a facility for overnight campers and is approximately 1 1/2 blocks from the property in question. Mr. Walker stated that there are no mobile homes in the immediate area and is concerned that their presence will devalue his property. He pointed out that the street is very narrow and will not accommodate heavy traffic.

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 **Special Exception** (Section 410 - Principal Uses Permitted in Residential District - Use Unit 1209) to allow a mobile home in an RM-2 district; to **DENY** a **Special Exception** (Section 420 - Accessory Uses in Residential Districts - Use Unit 1215) to allow a home occupation (beauty shop) within an accessory building; and **DENY** a **Variance** (Section 440.6(a) - Special Exception Uses, Requirements) to waive the 1 year time limitation for the mobile home; finding that a hardship was not demonstrated to justify the granting of the variance requests; and finding that a mobile home is not compatible with the RM-2 district; on the following described property:

Lot 41, Block 1, Rayburn's Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13956

Action Requested:

Special Exception - Section 630 - Bulk and Area Requirements in Office Districts - Use Unit 1211 - Request a special exception of the floor area ratio from .3 to .36 in an OL District, located at 11720 East 21st Street.

Presentation:

The applicant, Basil Thomas, 4407 East 46th Street, Tulsa, Oklahoma, stated that the existing building on his property is zoned OL and asked the Board to allow him to add a 4,000' section which exceeds the .30 lot coverage by 6%.

Comments and Questions:

Ms. Bradley asked the applicant if this is an office building and he answered in the affirmative.

Ms. Wilson asked Mr. Thomas what is located to the east of the building in question and he replied that, at that location, there is another building identical to the one in this application.

Mr. Gardner informed that the applicant will have to provide required parking for the building.

Case No. 13956 (continued)

Mr. Thomas stated that 40 spaces are required and 42 spaces are available.

Protestants: None.

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 630 - Bulk and Area Requirements in Office Districts - Use Unit 1211) to increase the floor area ratio from .3 to .36 in an OL District; per site plan submitted; on the following described property:

The west 150' of the north half of Lot 1, Block 2, less the north 10' for street purposes, Briana Ann Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13957

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207 - Request a special exception to allow a duplex in an RS-3 zoned district, located at 2351 South Gary Place.

Presentation:

The applicant, Richard Beattie, 3230 East 31st Street, Tulsa, Oklahoma, stated that he bought the property at the above stated address in 1964 and continued to add to the house as his family grew. He informed that the existing structure now has approximately 3,000 sq. ft. of floor space. Mr. Beattie explained that, as his family decreased in number, he converted the back portion of the house to an apartment for rental purposes. A survey (Exhibit K-1), floor plan (Exhibit K-2) and photographs (Exhibit K-3) were submitted.

Comments and Questions:

Mr. Chappelle asked the applicant if there are other duplexes in the area and he replied that there are none that he is aware of.

Ms. Bradley asked Mr. Beattie if the units are rented at this time and he answered that he had rented the back portion to a car salesman who was parking cars on the grass. He stated that the front unit is rented at this time.

Mr. Gardner asked the applicant if he acquired a Building Permit when he built on the addition to the house. Mr. Beattie replied that he assumed that the builder got a permit.

Mr. Gardner inquired if a kitchen was added and the applicant said he purchased a small self contained unit that included a refrigerator, sink and 2 hotplates.

Case No. 13957 (continued)

Protestants:

There were numerous protestants in the audience who submitted a petition (Exhibit K-4) opposing the application.

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 DENY a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1207) to allow a duplex in an RS-3 zoned district; finding that there are no other duplexes in the area, that the lot is crowded and that the special exception request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 3, Block 6, Will-Rey Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13958

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required 10' side yard setback on one side to 6.5', located at 6322 South Richmond.

Presentation:

The applicant, Bill Powers, 4338 East 56th Place, Tulsa, Oklahoma, stated that he is a building contractor and is appearing on behalf of the landowners, Al and Emogene Shaffer. He explained that his clients had plans drawn up and needed a lot that will accommodate these plans, which he found at the above stated address. Mr. Powers informed that there was a zone change in 1984 and that he thought that the subject property was in RS-3 which would require 5' clearances on both sides, but it is actually RS-2 which requires 10' and a 5' setbacks. He asked the Board to allow a 3 1/2' variance which would allow the house to be built on the lot. The applicant stated that he has contacted the neighbors to the north, who would be the ones directly affected by the variance, and they are not opposed to the application. A survey (Exhibit L-1) and a plot plan (Exhibit L-3) were submitted.

Comments and Questions:

Mr. Chappelle stated that a letter of opposition (Exhibit L-2) was received from the District 18 Planning Team.

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

Case No. 13958 (continued)

Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required 10' side yard setback on one side to 6.5'; per plot plan submitted; on the following described property:

Lot 15, Block 7, Livingston Park South Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13959

Action Requested:

Use Variance - Section 310 - Principal Uses Permitted in Agriculture District - Use Unit 23 - Request a use variance to allow an aggregate storage site and a 50' x 30' prefab metal equipment building for city use in an AG zoned district, located east of the SE/c of 61st Street South and Sheridan Avenue.

Presentation:

The applicant, A. J. Hamlett, Jr., City Water and Sewer Department, 200 Civic Center, Tulsa, Oklahoma. Mr. Hamlett explained that the City Water and Sewer Department has operated this site since the middle 50's as a treated water storage and requested that a small portion of the area be used as an aggregate storage site with an accompanying equipment building. He stated that landscape screening will be used to screen the construction. Mr. Hamlett informed that there are 3 existing water tanks and 2 pumping stations on the property at this time, with more tanks proposed for the future. A plot plan (Exhibit M-1) and a location map (Exhibit M-2) were submitted.

Comments and Questions:

Ms. Bradley asked the applicant if the storage will be outside and he answered in the affirmative.

Mr. Jackere asked if the residents will be able to see the activity on the lot and Mr. Hamlett replied that it is not visible from the residential areas to the east, but can be seen from the intersection and the commercial area, which is the reason for the plantings.

Mr. Gardner asked what the materials on the lot are used for and he explained that in case of a water line break, the sand and gravel are used to repair the area where it occurs. Mr. Gardner informed that the application does not clearly fit in a Use Unit provided by the Code and is the basis for the hardship.

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 Use Variance (Section 310 - Principal Uses Permitted in Agriculture District - Use Unit 23) to allow an aggregate storage site and a 50' x 30'

Case No. 13859 (continued)

prefab metal equipment building for city use in an AG zoned district; per plot plan; finding a hardship demonstrated by the large size of the lot and the fact that this use is not clearly set forth in the content of the Code; on the following described property:

The legal description for the aggregate storage site is as follows:

A 40' strip of land in the NW/4 of Section 2, T-18-N, R-13-E, Tulsa County, State of Oklahoma, the centerline of said 40' strip of land being more particularly described as follows: Beginning at a point 714.75' east and 270' south of the NW/c of the NW/4 of Section 2, thence south 240' to the end of said 40' strip of land.

The legal description for the 50' x 30' building is as follows:

A 30' strip of land in the NW/4 of Section 2, T-18-N, R-13-E, Tulsa County, State of Oklahoma, the centerline of said 30' strip of land being more particularly described as follows: Beginning at a point 714.75' east and 520' south of the NW/c of the NW/4 of Section 2, thence south 50' to the end of said 30' strip of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13961

Action Requested:

Use Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1215 - Request a use variance to allow a trade school in an OL zoned district, located on the SW/c of South Memorial Drive and East 2nd Street.

Presentation:

The applicant, Ronald Marsh, 209 South Indianwood, Broken Arrow, Oklahoma, who represented the Sertoma Handicap Opportunity Programs, submitted a plot plan (Exhibit N-1) and explained that he was before the Board in July of 1985, asking for a lot split and variance to build an addition on the north of the existing building. Since that time, the property to the south became available, and the previous project has been abandoned. Mr. Marsh stated that the new plans show that the building will cross over into the south property.

Comments and Questions:

Ms. Wilson asked what will be done with the apartments owned by the organization and the applicant replied that they will continue to be rental property.

Protestants: None.

Case No. 13⁹61 (continued)

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 Use Variance (Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1215) to allow a trade school in an OL zoned district; per site plan; finding that this use for the mentally retarded and handicapped is actually not a trade school in its true sense, but more like Use Unit 5; on the following described property:

A certain piece or parcel of land, situated in the county of Tulsa, State of Oklahoma and described as follows: A tract of land in the E/2, SE/4, NE/4, Section 2, T-19-N, R-13-E, Tulsa County, Oklahoma, More particularly described as follows: Commencing at a point on the east line of Section 2, said point being 799.75' north of the SE/c of the NE/4 of said Section 2; thence west and parallel to the south line of said NE/4 a distance of 357.0' to a point on the east line Block 9, Tommy Lee Addition to the City of Tulsa; thence north and parallel to the east line of Section 2, a distance of 70.0' to a point on the east line of said Block 9, Tommy Lee Addition; thence east and parallel to the south line of said SE/4 a distance of 357.0' to a point on the east line of Section 2; thence south a distance of 70.0'. To the point of beginning and containing 0.573 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13962

Action Requested:

Variance - Section 280 - Structure Setback From Abutting Streets and Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1212 - Request a variance of the setback from the centerline of North Lewis Avenue from 100' to 40' to permit the construction of a restaurant building, located on the NE/c of East Queen Street and North Lewis Avenue.

Presentation:

The applicant, Charles Norman, was present.

Comments and Questions:

Ricky Jones informed that Mr. Norman requested that Case No. 13962 be tabled until a later time, finding that additional relief may be needed. He informed that the case will be readvertised and new notice sent out at the proper 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 TABLE Case No. 13962.

Case No. 13963

Action Requested:

Special Exception - Section 420 - Accessory Uses In Residential Districts - Use Unit 1217 - Request a special exception to allow a home occupation (minor car repair) in an RS-3 zoned district, located at 296 East 52nd Street North.

Presentation:

The applicant, Manuel Willis, 296 East 52nd Street North, Tulsa, Oklahoma, asked the Board to allow him to operate a minor auto repair service at his home.

Comments and Questions:

Mr. Chappelle asked the applicant if he received a copy of the Home Occupation Guidelines and the applicant answered in the affirmative.

Mr. Chappelle asked Mr. Willis how many cars he will work on each day and what hours the business will be open. The applicant replied that he will work on about 2 cars each day and will be open for business from 9 a.m. to 5:30 p.m., Monday through Friday.

Ms. Bradley asked how many automobiles will be parked on the property. Mr. Willis informed that he owns 2 cars and 2 trucks and his sons have 2 additional vehicles.

Ms. Bradley inquired if the cars are parked on the grass and the applicant stated that they are parked on screening.

Protestants:

Mr. Chappelle stated that Code Enforcement received a letter of complaint (Exhibit O-2).

Robert Peterson, 415 East Independence, Tulsa, Oklahoma, submitted photographs (Exhibit O-1) and stated that he is representing the Housing Authority for the City of Tulsa. He pointed out that they have a number of dwellings in the area and are in the process of purchasing another 75 units. Mr. Peterson asked the Board to deny the application and maintain the residential character of the neighborhood. He pointed out that he is concerned that the cars are being worked on in the street.

Chester Smith, 237 East 57th Street North, Tulsa, Oklahoma, stated that there are cars parked in the street and a wrecker in the driveway. He stated a concern that a wrecker service may be operating on the property and asked the Board to deny the request.

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 Special Exception (Section 420 - Accessory Uses In Residential Districts - Use Unit 1217) to allow a home occupation (minor car repair) in an RS-3 zoned

Case No. 13963 (continued)

district; finding a garage is not compatible with the neighborhood and the special exception request is not in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 1, Block 45, Valley View Acres Second Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13964

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture District - Use Unit 1205 - Request a special exception to allow a church and related activities in an AG zoned district, located on South Lewis Avenue across from Oral Roberts.

Presentation:

The applicant, Frank Wallace, was represented by Ed Bates, 6911 South 66th East Avenue, Tulsa, Oklahoma, of Wallace and Bates, Architects, who submitted a location map (Exhibit P-1) and stated that the land in question is agricultural and has been owned by Oral Roberts for many years. He informed that the property could have been rezoned OM, but it was decided that the special exception would be requested instead. Mr. Bates stated that the Victory Christian Center, with a multi-purpose building and a gymnasium, is a long range plan for the property. A brochure was submitted (Exhibit P-2), in which the specific uses, including a school, were outlined.

Comments and Questions:

Mr. Gardner informed that the RM-1 area to the north was a project that included twin highrise towers, a block of OM zoning to the North has unlimited height, so the fact that a tower is proposed for the subject property would not be inconsistent with the Comprehensive Plan or the zoning patterns in that area. He noted that there is no height limitation in AG Districts.

Ms. Wilson asked the applicant when construction will begin on the project and he replied that it will begin very soon.

Mr. Chappelle stated that a letter of support (Exhibit P-3) has been received by Staff from District 18 Planning Team.

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 310 - Principal Uses Permitted in Agriculture District - Use Unit 1205) to allow a church and related activities in an AG

Case No. 13964 (continued)

zoned district; per site plan and uses submitted (excluding the PUD portion); and subject to Stormwater Management approval; finding that the church and multi-use facility will be compatible with the area; on the following described property:

Part of the SE/4 of Section 7, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Starting at the NE/c of said SE/4 of Section 7; thence S 0°10'03" W along the easterly line of Section 7 for 208.16'; thence N 89°46'37" W for 50.00' to the Point of Beginning of said tract of land; thence S 0°10'03" W and parallel to the easterly line of Section 7 for 796.20'; thence N 89°46'37" W for 1,269.88'; thence North for 675'; thence S 89°46'37" E for 969.96'; Thence N 0°10'03" E for 120.00'; thence S 89°46'37" E for 300.00' to the Point of Beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13965

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow automotive and allied activities in a CS zoned district, located at 2524 South Harvard.

Presentation:

The applicant, James Foy, 1723 South Peoria, Tulsa, Oklahoma, submitted photographs (Exhibit Q-1) and stated that he is leasing the property in question if the Board grants the special exception request. He informed that the building was previously used for a plywood outlet and he would like permission to run a vehicle service business at this location. Mr. Foy explained that he plans to install additional overhead doors, but the decor of the building will be maintained. He pointed out that a 6' retaining wall separates the building from neighboring properties.

Comments and Questions:

Ms. Wilson requested that the applicant further define automotive and allied activities. Mr. Foy informed that he repairs cars and detail cars, with most of the business being on a pick up and delivery basis.

Ms. Bradley asked where the cars waiting for repair will be parked and the applicant replied that the property will have 10 parking spaces when the portable buildings in the back are removed.

Mr. Gardner asked Mr. Foy if he only does minor auto repair and he replied that he does anything from a tune up to replacing an engine.

Case No. 13965 (continued)

Mr. Gardner informed that the applicant has asked for the entire Use Unit 17 and pointed out that the Board should stipulate the uses that would be compatible with the area. He explained that the site is not large enough for a large volume business. Mr. Gardner stated that all of the signage for the property was used up by the existing billboard, so a wall sign would be the only kind permitted for the business. Mr. Foy informed that the sign company had advised him of this requirement.

Ms. Wilson asked the applicant if customers could drive to his facility and have their cars detailed and Mr. Foy answered in the affirmative.

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 Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow automotive and allied activities in a CS zoned district; restricted to auto detailing and auto repair, including engine and transmission; subject to no body work being done on the lot; subject to removal of the accessory building; subject to no change in the building except for overhead doors; subject to all repair being done inside the building (outside storage of transmissions and engines is not permitted in CS zoning); and subject to signage being limited to a wall sign only; on the following described property:

That part of the SE/4 of the NE/4 of Section 17, T-19-N, R-13-E, of the Indian Base and Meridian, more particularly described as follows, to wit: Commencing at a point on the northeasterly line of the Missouri, Kansas and Texas Railroad right-of-way, which is 50' west and 106.5' north of the SE/c of the NE/4 of said Section 17; thence north along a line parallel to the east line of said Section 17, a distance of 100', to the true point of beginning; thence north parallel to the east line of Section 17, a distance of 132.74' to a point which is 50' west and 339.24' north of the SE/c of the NE/4 of the NE/4 of said Section 17; thence a southwesterly direction along the lot line of Lots 9 and 10, Block 5, Wil-rey Terrace Addition, a distance of 149.76'; thence in a southeasterly direction parallel to 100' distant from the northeasterly line of the Missouri, Kansas and Texas Railroad right-of-way to the point of beginning, in Tulsa County, State of Oklahoma, according to the government survey thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13966

Action Requested:

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

Case No. 13966 (continud)

Variance - Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements - Request a variance to waive the 1 year time limitation for the life of the present occupant.

Variance - Section 208 - One Single Family Dwelling per Lot of Record - Request a variance to permit two dwellings per lot of record, located at 1426 North Allegheny.

Presentation:

The applicant, Sherrie Sowell, 1426 North Allegheny, Tulsa, Oklahoma, stated that she was before the Board last year and was permitted to locate a mobile home in her back yard. Ms. Sowell informed that her mother-in-law lives in the mobile and asked permission to leave the mobile in place as long as her mother-in-law is in need of a home.

Comments and Questions:

Ms. Bradley asked the applicant to state the age of her mother-in-law and she replied that she is 67.

Mr. Gardner informed that the Board could, if inclined to approve the request, limit the location of the mobile to specified number of years.

Protestants:

Mr. Chappelle stated that a letter of complaint (Exhibit R-1) was received by Code Enforcement.

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 1209) to allow a mobile home in an RS-3 District; to **APPROVE** a **Variance** (Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements) of the 1 year time limitation to 5 years; and to **APPROVE** a **Variance** (Section 208 - One Single Family Dwelling per Lot of Record) to permit two dwellings per lot of record; on the following described property:

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

Case No. 13967

Action Requested:

Use Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 1217 - Request a use variance to allow an addition to an existing automobile sales office and related uses in an OL District, located west of the SW/c of 10th and Lewis Avenue.

Case No. 13967 (continued)

Presentation:

The applicant Robert Miles, 8130 South Florence Place, Tulsa, Oklahoma, represented W. R. Cox, owner of Cox Motor Company. He explained that an expansion is proposed which extends to an adjoining lot owned by Mr. Cox. A plot plan (Exhibit X-1) was submitted.

Comments and Questions:

Mr. Jackere asked Mr. Miles to state the related uses that will be on the lot. He replied that the uses are automobile repair, and the same uses that are carried on in the existing business.

Mr. Miles informed that there will be a 30' addition to the west of the existing business.

Mr. Gardner pointed out that the Board has previously approved automobile parking and storage on the lot in question. He explained that the car dealership is located on lots that have mixed zoning which constitutes a hardship and therefore, the Board will need to determine if the area is appropriate for the uses intended.

Bill Cox, 3116 East 71st Street, Tulsa, Oklahoma, stated that the business is proposing to move the service department and the addition will extend approximately 20' from the present building line. He informed that the garage doors will be on the same side that they are now located.

Ms. Bradley stated a concern with screening of the business.

Protestants:

Fran Pace, 1326 South Florence Avenue, Tulsa, Oklahoma, stated that Cox Motor Company moved in the area 48 years ago and has continued to creep into the neighborhood. She informed that there is an exit from the lot in question onto 10th Street, which was prohibited by an earlier Board action and also, screening was not installed as required. Ms. Pace suggested that the case be continued until such time as the applicant shows good faith with screening on the property.

Mr. Jackere informed that restrictions imposed by the Board at a previous meeting can not be dealt with in today's meeting. That is a job for Code Enforcement and possibly legal.

Applicant's Rebuttal:

Gale Plummer, 18 Sanders Circle, Broken Arrow, Oklahoma, who is architect for the project, stated that the reason for the changing of the service bays is to reroute the automobiles. He pointed out that there is no stack space on 11th Street at this time and that cars awaiting service protrude into the street are becoming a safety hazard.

Case No. 13967 (continued)

Board Action:

On MOTION of WHITE and SECOND by WILSON, the Board voted 3-1-0 (Chappelle, White, Wilson, "aye"; Bradley, "nay"; no "abstentions"; Clugston, "absent") to APPROVE a Use Variance (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 1217) to allow an addition to an existing automobile sales office and related uses in an OL District; per plot plan submitted; finding a hardship imposed on the applicant by multiple zoning classifications in the older area; on the following described property:

Lot 8, Hillcrest Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13968

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217 - Request a special exception to allow an existing car lot with sales in a CS District.

Variance - Section 1217.3(a) - Use Conditions - Request a variance to allow outside storage of merchandise within 300' of a residential district, located at 7822 East 21st Street.

Presentation:

The applicant, Fred Case, 6988 East 19th Street, Tulsa, Oklahoma, stated that he owns the property in question and that there has been a car lot at this location since 1970 and doesn't understand why this use cannot continue.

Comments and Questions:

Ms. Wilson asked the applicant why the cars on the lot at this time are in such poor condition. Mr. Case replied that he leased the lot to Jim Mills, who ran a wrecker service for the City, but they have moved out and only 4 cars remain on the lot.

Mr. Gardner commented that the January 1985 aerial photograph shows that, at that time, there were only 1 or 2 cars and evidently there was not a car lot operating at that time.

Mr. Jackere asked if there has been a car lot continuously since 1970 and Mr. Case answered in the affirmative.

Ms. Bradley asked the applicant if the lot is paved and he replied that 2/3 of it is paved and the remainder is gravel.

Mr. Gardner asked Mr. Case if there is a screening fence in place along the southern boundary and he replied that a wood fence is in place along the south.

Case No. 13968 (continued)

Ms. Bradley inquired as to the maximum number of cars that will be on the lot and the applicant replied that there would be approximately 19 to 20.

Mr. Jackere asked if there will be storage of parts outside and the applicant stated that all parts will be inside.

Ms. Case stated that she and her husband would operate the car lot, but Mr. Case has had cancer, which prohibits them from running the business. She apologized for the trashy condition of the property and informed that it is clean at this time.

Protestants:

Mr. Chappelle stated that Code Enforcement has received a letter of complaint (Exhibit S-2) on the subject property. Photographs (Exhibit S-1) were submitted.

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 an existing car lot with sales in a CS District; and to APPROVE a Variance (Section 1217.3(a) - Use Conditions) to allow outside storage of merchandise within 300' of a residential district; subject to all cars being stored on the hard surface; subject to outside storage being cars only; and subject to a maximum of 30 cars; finding that a car lot has been operating on the subject tract for a number of years; on the following described property:

Lot 2, Block 11, Michael Heights Extended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13969

Action Requested:

Special Exception - Section 240.2(c) - Permitted Yard Obstructions - Use Unit 1206 - Request a special exception of the front yard fence height from 4' to 7' in an RS-3 District, 3635 South Louisville.

Presentation:

Frank Thompson, 717 South Houston, Tulsa, Oklahoma, who represented Victoria Marcelle, asked that Case No. 13969 be continued until March 20, 1968, due to a conflict in schedules.

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 CONTINUE Case No. 13969 to March 20, 1986.

Case No. 13970

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1213 - Request a use variance to allow a video rental store in a residential district, located on the SE/c of 4th Place and Quebec Avenue.

Presentation:

The applicant, Walter Thrun, Route 1, Claremore, Oklahoma, stated that he leased the subject property, which was previously operated as a Circle K, for a video rental store. He asked the Board to allow his business in the residential area. Photographs (Exhibit T-1) were submitted.

Comments and Questions:

Mr. Gardner suggested that the Board evaluate the use and determine if it is appropriate for the area.

Ms. Bradley asked the applicant if video tapes are rented at his store and he replied that he rents cassettes, players and camera equipment for family home entertainment. He stated that the franchise agreement prohibits x-rated materials.

Ms. Wilson asked Mr. Thrun to state the hours of operation for his business and he answered that he will be open from 9 a.m. to 10 p.m., Monday through Saturday.

R. W. Hubbard, 2907 South Boston Ct., Tulsa, Oklahoma, stated that he put a laundromat and a Circle K on his property and he asked what has happened since 1968 that prohibits a business from going in at this location. Mr. Gardner explained that this property was not zoned commercial, but the business was nonconforming. Mr. Gardner stated that the reason the applicant is before the Board today is that the commercial uses requested must be approved.

Ms. Bradley asked Mr. Gardner about signage for the property. He replied that the applicant is not before the Board for a sign and suggested that the sign issue be continued and let him readvertise for that relief.

Mr. Gardner asked if the laundromat has a freestanding sign and Mr. Hubbard answered that it has a wall sign. Mr. Gardner stated that only one freestanding sign is permitted.

Protestants:

Fran Pace, 1326 South Florence, Tulsa, Oklahoma, stated that this is the only commercial use in this neighborhood and commercial uses should not be located there. She suggested that, if approved, a screening fence should be erected against the residential neighborhood to the east and south and restrict the signage to a wall sign.

Case No. 13970 (continued)

Ms. White commented that she travels by this property and she would prefer the use requested to the previous use and the litter it created.

Ms. Bradley asked Mr. Gardner if there would be screening requirements since it is in an RS-3 district. He informed that the screening requirement was adopted in 1970, so when the Board first approved the use, there was not a screening requirement in the Code. Mr. Gardner suggested that the Board can address screening in their conditions.

Mr. Jackere informed that the use is changing from one use to another and the Code will require screening.

Ms. Bradley asked the applicant if he wants a sign on the building and he replied that he would like to put a sign on the building plus use the one that was used by the Circle K.

Ms. Wilson informed that the applicant will have to readvertise and come back to the Board for the sign approval.

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 Use Variance (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1213) to allow a video rental store in a residential district; subject to days and hours of operation being 10 a.m. to 9 p.m., Monday through Saturday and 1 p.m. to 5 p.m., Sunday; subject to a screening fence being installed where the subject property abutts residential property (east and south); finding that the proposed commercial use is appropriate at this location; on the following described property:

Lots 23 and 24, Block 1, University Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13972

Action Requested:

Special Exception - Section 710 - Permitted Uses in the Commercial Districts - Use Unit 17 - request a special exception to allow a Use Unit 17 in a CS zoned district.

Use Variance - Section 410 - Permitted Uses in the Residential Districts - Use Unit 17 - Request a Use Variance to allow a Use Unit 17 in an RS-3 zoned district.

Case No. 13972 (continued)

Variance - Section 1217.3(a) - Use Conditions - Request a variance of the screening requirement from an abutting R District.

Variance - Section 1217.3(b) - Use Conditions - Request a variance to allow open air storage and display of merchandise offered for sale within 300' of R District.

Variance - Section 1217.4 - Off-Street Parking Requirements - Request a variance of the required 14 parking spaces and a variance to allow gravel surface.

Variance - Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 17 - Request a variance of the required 100' setback from the centerline of Lewis Avenue to 68' and a variance of the required 50' setback from the centerline of East 33rd Street North to 35'.

Presentation:

The applicant, Robert Nichols, 111 West 5th Street, Tulsa, Oklahoma, represented Don Hux, who operates a transmission service on the subject property. Photographs (Exhibit U-1) were submitted. Mr. Nichols pointed out that his clients property is zoned both CS and RS-3 and is screened. He asked that the screening requirement which would screen two portions of his own property be waived. Mr. Nichols stated that the applicant has asphalted 14 spaces of the display area since the application was filed and asked that this variance be withdrawn. He explained that his client bought the property 2 years ago, thinking it was zoned IL as represented to him, and has been operating his business there since that time. He asked that Mr. Hux be allowed to continue this operation in the CS District. Mr. Nichols noted that Lot 4 was passed over in the zoning process and is still zoned RS-3 and asked the Board to allow a use variance for that portion of the property. He informed that Mr. Hux has transmissions stored outside for his own use. Mr. Nichols pointed out that the building on the property was constructed in about 1970 and is too close to Lewis Avenue, however, the buildings both north and south are closer to the street than the property in question. Mr. Nichols stated that his client purchased a portable building for storage and moved it to the property. This building is 36' from 33rd Street North and should have a 50' setback. He asked that the building be allowed to remain at its present location for a 1 year period.

Comments and Questions:

Ms. Wilson asked Mr. Nichols if he has photographs of the area that is not blacktopped and he stated that he does not.

Ms. Bradley stated that this area looks trashy.

Case No. 13972 (continued)

Protestants:

Mr. Chappelle stated that Code Enforcement has received a letter of complaint (Exhibit U-2) on the subject property.

Neal Cobb, 2224 East 33rd Street North, Tulsa, Oklahoma, stated that the lot has been cleaned up in the past 2 weeks. He stated that the clutter on the lot is a hazard to neighborhood children. Mr. Cobb submitted a petition (Exhibit U-3) of property owners that oppose the application.

Applicant's Rebuttal:

Mr. Nichols stated that his client has improved his lots and asked the Board to approve the application.

Ms. Wilson asked Mr. Nichols why a storage building on the lot is air conditioned and he replied that they were attached when his client bought the building.

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 710 - Permitted Uses in the Commercial Districts - Use Unit 17) to allow a Use Unit 17 in a CS zoned district; APPROVE a Use Variance (Section 410 - Permitted Uses in the Residential Districts - Use Unit 17) to allow a Use Unit 17 in an RS-3 zoned district; to APPROVE a Variance (Section 1217.3(a) - Use Conditions) of the screening requirement between Lot 3 and 4; to APPROVE a Variance (Section 1217.3(b) - Use Conditions) to allow open air storage and display of transmissions and differentials within 300' of R District; to WITHDRAW a Variance (Section 1217.4 - Off-Street Parking Requirements) of the required 14 parking spaces and a variance to allow gravel surface; to APPROVE a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Use Unit 17) of the required 100' setback from the centerline of Lewis Avenue to 68'; and to APPROVE a Variance of the required 50' setback from the centerline of East 33rd Street North to 35' for a period of 1 year only; subject to screening fence being required to have the smooth side to the outside; finding that the business is not detrimental to the area; finding a hardship imposed on the applicant by the CS and RS-3 zoning on the property; on the following described property:

Lots 1, 2, 3, 4, Block 1, Beauty Rest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13976

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 15 - Request a use variance to allow a contract construction service in an RS-3 zoned district, located west of the SW/c of 54th Street North and Peoria Avenue.

Presentation:

The applicant, Randy Santos, stated that he has purchased old fire station No. 24 from the City and is planning to use the first bay for storing construction supplies. Mr. Santos explained that he plans to lease out the remaining bays for professional type use.

Comments and Questions:

Mr. Gardner informed that the applicant could either seek a zoning change or come to the Board. He stated that Staff suggested that the building is unique in the fact that it is a fire station and not a residential building, although it is in the interior of a residential area. Mr. Gardner pointed out that the Board will need to determine if the use is appropriate for the area.

Ms. Bradley asked if the building will be for office use only and Mr. Santos informed that he stores his tools and supplies in one bay and the remainder will be converted to offices.

Ms. Wilson asked the applicant to state the days and hours of operation for his business. Mr. Santos replied that he will be open Monday through Saturday, 9 a.m. to 6 p.m.

Ms. Bradley asked if ingress and egress is on 54th Street and the applicant replied that there are presently 2 entrances, one on 54th Street and one on Norfolk, but the one on 54th Street will be closed except for personnel.

Ms. White asked the applicant if he will have adequate parking for the offices and he replied that there will be parking all around the building.

Mr. Gardner asked what street the fire trucks used to leave the station and Mr. Santos replied that they used 54th Street, but that exit will be closed.

Mr. Gardner asked if the loading and unloading will be done on the west and the applicant answered in the affirmative.

Protestants:

Ed White, 5318 North Norfolk, Tulsa, Oklahoma, stated that the entrance will be directly in front of his residence and pointed out that the property is zoned RS-3. He informed that he has invested money in the area and feels that the use will depreciate his property. A petition (Exhibit V-1) signed by property owners opposed to the application was submitted.

Case No. 13976 (continued)

Ms. White pointed out that the station is not suitable for a residence and asked Mr. Ed White if he would be opposed to the application if ingress and egress remained on 54th Street. Mr. White replied that he does not want a business in the area, but that the 54th Street entrance would be less distasteful.

Ms. Bradley asked if the whole building would be under Use Unit 15. Mr. Gardner replied that the building construction business is a Use Unit 15 and pointed out that, according to the aerial photograph, there is a substantial distance between the paving on Norfolk and the building and suggested that this portion might be screened and used for an access to the rear.

Lesley Byers, 1012 East 54th Street North, Tulsa, Oklahoma, stated that the turning space from the west is very narrow and doesn't think there will be any room left for parking. He pointed out that a construction company would be trashy and is opposed to its location in the neighborhood.

Ms. Ed White, 5318 North Norfolk, Tulsa, Oklahoma, asked the members of the Board if they would want the construction business next door to their homes. She asked them to deny the application.

Ms. Bradley remarked that Use Unit 15 allows exterminating services, plumbing businesses, bottled gas sales, etc. Mr. Gardner informed that the Board can limit the uses that can locate in the building.

Ms. Bradley asked the applicant if he would consider making ingress and egress on 54th Street and he answered that he would not.

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 **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 15) to allow a contract construction service in an RS-3 zoned district.

There was further discussion on ingress and egress to the subject property. The applicant stated they could use the alley on the east to access the property. Mr. Chappelle asked the protestants if the applicant had access from the east, would they then be opposed to all businesses that might locate in the building. Mr. White stated they are not, but would want to know what these businesses will be.

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 **RECONSIDER** Case No. 13976.

Case No. 13976 (continued)

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. 13976 to March 20, 1986, to allow the applicant to return with specific plans for the building in question.

OTHER BUSINESS

Consider Revised Plot Plan for Case No. 13860, located at 135 South Memorial Drive.

Presentation:

James Wilson, 6116 South Memorial, Tulsa, Oklahoma, of Gilmore and Wilson Construction Company, stated that he submitted a plot plan to the Board for a managers residence at a mini-storage business. He stated that he has had to redesign the structure to comply with Stormwater Management requirements. A revised plot plan (Exhibit W-1) was submitted.

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 revised plot plan with a residence used for security purposes; on the following described property;

Beginning at a point 165' south and 35' east of the SW/c of the NW/4 of the NW/4 of Section 1, T-19-N, R-13-E, Thence east 625' thence south 165', thence west 625', thence north 165' to POB, City of Tulsa, Tulsa County, Oklahoma.

Discussion of Consideration of Board of Adjustment Rules of Procedure and Code of Ethics.

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 discussion of Board of Adjustment Rules and Procedure and Code of Ethics to March 20, 1986.

Request a Refund of Fees for Case No. 13951.

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 REFUND fees in the amount of \$25.00; finding that the application had been processed, except for the public hearing, prior to the time the case was withdrawn.

There being no further business, the meeting was adjourned at 7:10 p.m.

Date Approved 3.20.85

Anthony Chappell
Chairman

03.06.86:459(43)

