

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 463
Thursday, April 17, 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, April 16, 1986, at 12:40 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Ms. White pointed out an error in the March 20 minutes and informed that Ms. Bradley made the motion on Case No. 13980 and not Ms. Wilson, as the minutes reflect.

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no "abstentions"; Wilson, Clugston, "absent") to **APPROVE** the Minutes of March 20, 1986 as corrected.

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Clugston, Wilson, "absent") to **APPROVE** the Minutes of April 3, 1986.

UNFINISHED BUSINESS

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.

Case No. 13950 (continued)

Comments and Questions:

Mr. Jones informed that Case No. 13950 has been continued in two previous meetings and that he spoke with Mr. Wait earlier in the week and was advised that the applicant intends to withdraw this application and file another one which will request additional relief. Mr. Jones stated that he has had no further contact with Mr. Wald and that he is not present.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Clugston, Wilson, "absent") to STRIKE Case No. 13950.

Case No. 13973

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 District.

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Request a variance of the required setback from the centerline of 39th Street from 50' to 40'.

Variance - Section 440 - Special Exception Uses in Residential Districts, Requirements - Request a variance of the required lot area from 9,000 sq. ft. to 6,375 sq. ft. and a variance of the required livability space of 2,500 sq. ft.

Presentation:

The applicant, Vincent Zalpo, was not present.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Clugston, Wilson, "absent") to CONTINUE Case No. 13973 to May 1, 1986.

Case No. 13983

Action Requested:

Variance - Section 1217.3(b) - Automotive and Allied Activities Use Conditions - Use Unit 1217 - Request a variance to allow outdoor storage in conjunction with an existing mini-storage within 300' of an abutting R District, located on the SE/c of 21st Street and South 92nd East Avenue.

Presentation:

The applicant, Kay Van Schoyck, was represented by Joe McCormick, Suite 100, Tulsa Union Depot, Tulsa, Oklahoma, who submitted a location map (Exhibit A-1) and photographs (Exhibit A-3) of the mini-storage in question and businesses to the north. He informed

Case No. 13983 (continued)

that his client owns the I-44 Mini-Storage and asked the Board to allow outside storage on the property. Mr. McCormick pointed out that various equipment was stored outside when the facility was purchased, but now someone has complained about this storage. He explained that one business to the north rents different pieces of equipment, all of which is stored outside, and another business, Fiesta Pools, stores trucks and equipment on their property. Mr. McCormick stated that the property is partially screened and that his client has no objection to a screening requirement being imposed.

Comments and Questions:

Ms. White asked Mr. McCormick if the only abutting R District is Skelly Drive and he answered in the affirmative.

Mr. Gardner informed that Use Unit 17 allows several different kinds of uses and that the applicant is asking for typical storage as it relates to a mini-storage facility. He pointed out that the Board might restrict the outside storage use specifically to the articles stored for that business.

Ms. Bradley asked Mr. McCormick what types of equipment is to be stored outside the building and he replied that boats, campers, etc. will be stored on the lot.

Ms. Bradley inquired if the property is paved and Mr. McCormick answered that it is not all paved, but that his client will surface the remainder of the lot if the Board finds that necessary.

Protestants:

Mr. Chappelle informed that Code Enforcement has received a letter of complaint (Exhibit A-2) concerning the property in question.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Clugston, Wilson, "absent") to **APPROVE** a Varlance (Section 1217.3(b) - Automotive and Allied Activities Use Conditions - Use Unit 1217) to allow outdoor storage in conjunction with an existing mini-storage within 300' of an abutting R District; subject to screening being installed; subject to those articles being stored that relate to the mini-storage only; and subject to all equipment and vehicles being parked on a hard surface material; on the following described property:

K and C Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13985

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the setback from the centerline of Young Street from 50' to 25' to allow construction of an addition to an existing dwelling unit.

Variance - Section 208 - One Single Family Dwelling per Lot of Record - Request a variance to allow 2 dwelling units per lot of record, located at 1119 East Young Street.

Presentation:

The applicant, George Monroe, 1111 East Young Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit BB-1) for an addition to one of the houses that is located on the back portion of his lot. The applicant stated that his son is moving here from another state with his 2 children and asked the Board to allow the addition in order that he can provide a home for him.

Comments and Questions:

Mr. Jackere asked if the improvements will line up with the existing structure and if the houses have been on the lot for a number of years. Mr. Monroe replied that they have been there a long time.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Clugston, Wilson, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the setback from the centerline of Young Street from 50' to 25' to allow construction of an addition to an existing dwelling unit; and to **APPROVE** a **Variance** (Section 208 - One Single Family Dwelling per Lot of Record) to allow 2 dwelling units per lot of record; per plot plan; finding that the lot is large and that the 2 houses have been at the present location for many years; and finding that the new construction will align with the existing portion of the house; on the following described property:

Lot 4, Block 3, Sunny Slope Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 13997

Action Requested:

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

Case No. 13997 (continued)

Variance - Section 1217.3(b) - Use Conditions - Use Unit 1217 - Request a variance to allow outdoor storage and display within 300' of an abutting R District, located south of the SE/c of Memorial Drive and 37th Street.

Presentation:

The applicant, Larry Fulton, 2800 Fourth National Building, Tulsa, Oklahoma, stated that he was before the Board 2 weeks ago and represented Chris Nikel's Autohaus. He informed that the application was continued at that time to allow notice to be sent to property owners in the R District within 300' of the business.

Comments and Questions:

Ms. White asked if some of the cars are parked on gravel and Mr. Fulton replied that, if that is the case, it will be corrected.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Clugston, Wilson, "absent") to **APPROVE** a **Variance** (Section 1217.3(b) - Use Conditions - Use Unit 1217) to allow outdoor storage and display within 300' of an abutting R District; subject to all vehicles being parked on hard surface only; finding that the special exception to allow an automotive related activity in a CS District was approved on April 3, 1986; finding that only a very small portion of the property abutts the RS-2 District (other than the Broken Arrow Expressway); and finding that car sales would necessitate outdoor storage of automobiles; on the following described property:

Lot 2, Block 1, Memorial Plaza Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14000

Action Requested:

Minor Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of front setback from the centerline of 51st Street from 50' to 30' to allow an existing sign, located north of South Columbia Avenue and 51st Street.

Comments and Questions:

Mr. Jones informed that this case was before the Board at the last meeting and was continued because the map was in error. He stated that the map has been corrected and is before the Board at this time.

Case No. 14000 (continued)

Presentation:

The applicant, Gene Weltzel, was represented by Winnie Wiford, 2639 East 51st Street, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit B-1) and asked permission to leave an existing sign in front of the Montecello Apartments.

Comments and Questions:

Ms. Bradley asked Ms. Wiford to state the size of the sign in question and she replied that it is 4' by 6'.

Ms. White pointed out that the Warwick Apartments and the Swiss Alpine Apartments only have wall signs and asked why she feels that the Montecello Apartments need additional signage. She replied that it has been reported to her by customers that the apartments are difficult to locate.

Mr. Jackere asked Ms. Wiford if the Montecello Apartments have a sign permit and she replied that she is not sure.

Ken Bode, Protective Inspections, informed that the owner has agreed to move the wall sign if the ground sign is approved. He pointed out that these businesses along the street will be easier to located if the addresses, as well as the names, are displayed in front of the buildings.

Ms. White asked Mr. Bode if there are other signs as close to the centerline of 51st Street as the subject sign and he replied that there are none.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Clugston, Wilson, "absent") to **DENY a Minor Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1221) of front setback from the centerline of 51st Street from 50' to 30' to allow an existing sign; finding that the applicant failed to demonstrate a hardship that would justify the granting of the variance request; on the following described property:

South 120' of Lots 6 and 7, Block 1, South Lewis View Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14008

Action Requested:

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

Case No. 14008 (continued)

Variance - Section 1340.d - Design Standards for Off-Street Parking Areas - Request a variance to allow parking on a gravel lot, located at 6140 South Mingo.

Presentation:

The applicant, Bill Satterfield, was present and asked that Case No. 14008 be continued until May 1, 1986.

Board Action:

On MOTION of WHITE, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Clugston, Wilson, "absent") to CONTINUE Case No. 14008 to May 1, 1986.

Case No. 14011

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.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Request a variance to allow 2 dwelling units per lot of record.

Variance - Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements - Request a variance of 1 year time limit to permit mobile home to remain for duration of life of occupant.

Variance - 430.1 - Bulk and Area requirements in Residential Districts - Request a variance of the rear yard setback from required 20' to 5' for mobile home, located at 7710 East 6th Street.

Presentation:

The applicant, Darrell Hunt, 7710 East 6th Street, Tulsa, Oklahoma, submitted a location map (Exhibit C-2) and a petition (Exhibit C-1) of support. Mr. Hunt asked the Board to allow him to place a mobile home in his back yard which would serve as a residence for his 87 year old mother. He stated that her doctor informed him that she would not be able to live alone and, since his home has only 1 bath, he asked permission to have the mobile for the duration of her life.

Comments and Questions:

Mr. Chappelle asked if there are other mobile homes in the area and Mr. Hunt replied that there are none.

Ms. Bradley asked the applicant where the trailer will be located on the lot and he answered that he planned to put it on the southeast corner.

Case No. 14011 (continued)

Ms. Bradley inquired if the neighbors to the south signed the support petition and Mr. Hunt replied that they are not opposed to the mobile home.

Mr. Chappelle asked if there are 2 dwellings on any of the surrounding lots and the applicant stated that there are not.

Protestants:

Mr. Williams, 7728 East 6th Street, Tulsa, Oklahoma, stated that he and his neighbor, Mr. Lowther, 7724 East 6th Street, Tulsa, Oklahoma, are opposed to the mobile home in the area. He pointed out that there are no other mobiles in the neighborhood and asked the Board to deny the application.

Ms. White asked Mr. Williams if he would object to the mobile home if the Board placed a 1-year time limit on its location there and he replied that he would object because it would, in his opinion, set a precedent in the area.

Board Action:

On MOTION of BRADLEY, the Board voted 3-0-0 (Bradley, Chappelle, White, "aye"; no "nays"; no, "abstentions"; Clugston, Wilson, "absent") to **DENY** 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 **DENY** a **Variance** (Section 208 - One Single-Family Dwelling Per Lot of Record) to allow 2 dwelling units per lot of record; to **DENY** a **Variance** (Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements) of 1 year time limit to permit mobile home to remain for duration of life of occupant; and to **DENY** a **Variance** (430.1 - Bulk and Area requirements in Residential Districts) of the rear yard setback from required 20' to 5' for mobile home; finding that a mobile home is not compatible with the residential neighborhood; and finding that a hardship was not demonstrated by the applicant that would justify the granting of the variances requested; on the following described property:

Lot 11, Block 11, Pamela Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14012

Action Requested:

Special Exception - Section 420.1 - Accessory Uses Permitted in Residential Districts - Request a special exception to operate a beauty shop in an RS-1 District as a home occupation, located at 1725 South 94th East Avenue.

Case No. 14012 (continued)

Presentation:

The applicant, Donna Powell, 1725 South 94th East Avenue, Tulsa, Oklahoma, asked the Board to allow her to operate a beauty shop in her home. She stated that her home has 2 entrances and would, in her opinion, be ideal for the home occupation.

Comments and Questions:

Mr. Chappelle asked the applicant to state the days and hours of operation for her business. She replied that she would be open Thursday through Saturday, 8 a.m. to 5 p.m., and a few evenings.

Ms. Bradley asked the applicant if she has sufficient parking for the business and she replied that her house is located on an acre of land, which will provide ample space for parking.

Ms. White asked Ms. Powell if she has read the Home Occupation Guidelines and she stated that she has not read them. Mr. Jones presented the applicant with a copy and Mr. Chappelle asked her to review them and determine if her business could operate within these guidelines. After reading them, Ms. Powell stated that the State Board requires that a sign be displayed. Mr. Gardner pointed out that the sign is only required to be put inside the shop.

Board Action:

On MOTION of WHITE, the Board voted 3-0-1 (Bradley, Chappelle, White, "aye"; no "nays"; Wilson, "abstaining"; Clugston, "absent") to **APPROVE** a **Special Exception** (Section 420.1 - Accessory Uses Permitted in Residential Districts) to operate a beauty shop in an RS-1 District as a home occupation; per Home Occupation Guidelines; subject to the beauty shop having 1 chair only; and subject to days and hours of operation being Tuesday, Wednesday and Saturday, 8 a.m. to 5 p.m., Thursday and Friday, 8 a.m. to 7 p.m.; finding that the granting of the home occupation would not be detrimental to the neighborhood; on the following described property:

Lot 6, Block 1, Windsor Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14014

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 17 - Request a special exception to allow camper sales and related activities in a CS zoned district, located on the SW/c of 11th and 101st East Avenue.

Case No. 14014 (continued)

Presentation:

The applicant, George Hiles, 9659 East 28th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-2), photographs (Exhibit D-1) and a brochure (Exhibit D-2) of the product. Mr. Hiles informed that he is from another state and acquired a Real Estate agent to assist in finding a location for his camper sales business. He pointed out that both he and his agent thought the land he leased was zoned for camper sales. Mr. Hiles noted that it was not until he applied for a Certificate of Occupancy that he found out that he had leased property that was not zoned for the business he had intended. He stated that he has spent a lot of money to improve the lot and asked the Board to approve his application.

Comments and Questions:

Mr. Chappelle asked the applicant if he sells only camper shells and he answered in the affirmative.

Ms. Bradley asked Mr. Hiles to explain to the Board what the related activities will be and if there will be a shop on the property. The applicant replied that he will install sliding windows, running boards and bumpers, and will have a small building for installing these accessories.

Ms. Bradley inquired if the lot is paved and Mr. Hiles answered that there is adequate paved parking for the customers.

Ms. Wilson asked if the camper shells will all be stored on racks as shown in the photographs and the applicant answered that they will be stacked on metal racks.

Board Action:

On MOTION of 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 - Principal Uses Permitted in Commercial Districts - Use Unit 17) to allow camper shell sales and installation of accessories (sliding windows, running boards, bumpers, etc.) in a CS zoned district; per plot plan; finding that the special exception approved does not violate the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 1, Block 1, Arch-Fears Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14015

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 RM-2 zoned district.

Case No. 14015 (continued)

Variance - Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements - Request a variance to allow mobile home for more than 1 year, located at 4708 West 8th Street.

Presentation:

The applicant, Sharon Bradford, 4708 West 8th Street, Tulsa, Oklahoma, submitted a petition (Exhibit E-3) of support and stated that there are numerous other mobile homes in the area. She informed that the mobile will be hooked up to existing plumbing and gas that were connected to a dwelling that was previously on the lot.

Comments and Questions:

Mr. Chappelle asked the applicant to state the location of the other mobile homes in the area. Ms. Bradford stated that there is one on 40th Street, one on 46th Street and the mobile home park on 45th Street.

Ms. White asked who will occupy the mobile home and Ms. Bradford replied that her husbands parents are moving to the area and will live in the mobile.

Ms. Wilson asked the applicant if she lives next door to the property in question and she answered in the affirmative.

Mr. Chappelle stated that a letter of protest was received from the Chairman of District 10 (Exhibit E-1) and Sumner Investments, Inc. (Exhibit E-2).

Board Action:

On MOTION of WHITE, the Board voted 3-1-0 (Chappelle, White, Wilson, "aye"; Bradley, "nay"; 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 RM-2 zoned district; and to **DENY** a **Variance** (Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements) to allow mobile home for more than 1 year; per Health Department approval and for a time limit of 1 year only; finding that there are other mobiles in the area and that the granting of the special exception will not be detrimental to the neighborhood; on the following described property:

Lot 12, Block 2, Rayburns Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14016

Action Requested:

Special Exception - Section 420.1 - Accessory Uses Permitted in Residential Districts - Request a special exception to allow a home occupation (trim carpentry) in an RM-2 District, located at 1419 South Troost.

Presentation:

The applicant, William Zeigler, 1419 South Troost, submitted a petition (Exhibit F-2) of support and photographs (Exhibit F-3) and stated that he and his brother have a business, Zeigler Brothers Construction, which is located at the above stated address. He informed that the business operates from 8 a.m. to 5 p.m., Monday through Friday and that the location is used primarily for storage of tools. Mr. Zeigler stated that he has lived in the house for the past 5 years and asked the Board to allow the business to continue. A location map was submitted (F-1).

Comments and Questions:

Ms. White asked the applicant if customers come to the house and he replied that people rarely come to the home, since most of the work is done at the work location.

Ms White asked Mr. Zeigler if saws are used on the property and if there is outside storage. The applicant answered that saws are sometimes used and some lumber is stored outside, but that portion of the yard can be closed off if the Board requires it.

Ms. Bradley inquired if the saws are used in the evening and Mr. Zeigler stated that any work done after 5 p.m. is usually a personal project.

Mr. Jackere asked what percent of the work is done at home and he informed that approximately 15% of the work is actually done on the property.

Mr. Chappelle informed that Code Enforcement received a letter (Exhibit F-4) of complaint on the subject property and after notifying the applicant, the property was orderly on the next inspection.

The applicant informed that there was a fire in the house and that during reconstruction, the property was not very orderly.

Protestants:

Jerry Cantrell, 1411 South Troost, Tulsa, Oklahoma, stated that he is not opposed to the home occupation if it stays as it is, but is concerned that the property value of his home will be affected if the business is allowed to grow.

Ms. Wilson asked Mr. Cantrell if the business has grown over the 5 years it has been in operation and he replied that it has grown some.

Case No. 14016 (continued)

Mr. Chappelle asked if it is obvious that a business is being operated on the subject property and Mr. Cantrell replied that, at this time, it does not appear that a business is there.

Mr. Wilson asked Mr. Cantrell if he has observed employees coming to the home and he replied that he has seen employees there in the past, but not lately.

Mr. Jackere asked Mr. Zeigler if he has employees coming to his home. He informed that he has a handyman and contracts electricians and plumbers to do work for him, but all employees could meet him on the job.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no, "abstentions"; Clugston, "absent") to **APPROVE** a **Special Exception** (Section 420.1 - Accessory Uses Permitted In Residential Districts) to allow a home occupation (trim carpentry) in an RM-2 District; per plot plan (no expansion) and Home Occupation Guidelines; subject to no outside storage and all work being done inside; and subject to hours of operation being from 8 a.m. to 5 p.m.; on the following described property:

Lot 20, Block 4, Lake View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14018

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of the 50' setback from the centerline of Marion Avenue to 32.7' to allow construction of a carport, located at 727 North Marion.

Presentation:

The applicant, Don Tidmore, 727 North Marion, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1) for a carport and explained that, after he opened up the job for bids, he hired the low bidder and was not aware that a permit had not been acquired. He stated that the carport is 90% complete at this time.

Comments and Questions:

Mr. Chappelle asked the applicant if there are other carports in the area and he answered that there are none nearby.

Ms. Bradley commented that she has viewed the carport and that it is very large and is not in harmony with the rest of the neighborhood.

Case No. 14018 (continued)

Protestants:

Robert Dudley, 739 North Marlon, Tulsa, Oklahoma, informed that there is sufficient space on the south of Mr. Tidmore's house to install a carport. He pointed out that the carport is as large as a garage and asked the Board to deny the request.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no, "abstentions"; Clugston, "absent") to **DENY** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the 50' setback from the centerline of Marlon Avenue to 32.7' to allow construction of a carport; finding that there are no other carports in the area and that the granting of the variance request would be detrimental to the neighborhood; on the following described property:

S/2 of Lot 8, All of Lot 7, Block 13, Federal Heights 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14019

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the 100' lot width requirement to 90'.

Variance - Section 207 - Street Frontage Required - Request a variance of the 30' frontage requirement to 12' in order to permit a lot split, located at 4617 South Columbia Place.

Presentation:

The applicant, Braselton Dankbar Architects, Inc., was not present.

Comments and Questions:

Mr. Jones informed that the variances were requested in conjunction with a lot split which was denied by TMAPC at their last meeting. He suggested that this might be the reason the applicant is not present.

Board Action:

On MOTION of WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no, "abstentions"; Clugston, "absent") to **STRIKE** Case No. 14019.

Case No. 14020

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of Marshall Street from 50' to 34' and a variance of side yard from 5' to 0' to allow a carport, located at 8960 East Marshall.

Presentation:

The applicant, Franklin Tilman, 8960 East Marshall, Tulsa, Oklahoma, submitted a plot plan (Exhibit H-1) and photographs (Exhibit H-2) and asked the Board to allow a carport to be built on his property.

Comments and Questions:

Ms. Bradley asked Mr. Tilman if there are other carports in the area and he informed that there are several on Marshall Place, which is 1 block north of his lot.

Ms. Bradley asked the applicant how long the carport has been built and if there have been any complaints from the neighbors. Mr. Tilman stated that it was installed on January 25, 1986 and his neighbors were in support of the construction.

Board Action:

On MOTION of WILSON, the Board voted 3-1-0 (Chappelle, White, Wilson, "aye"; Bradley, "nay"; no, "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of Marshall Street from 50' to 34' and a variance of side yard from 5' to 0' to allow a carport; per plot plan; finding that there are other carports in the area that are as close to the street as the one in question; and finding that a hardship was demonstrated by the corner lot location, with setbacks from 2 streets, and the irregular shape of the tract; on the following described property:

Lot 1, Block 6, Layman Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14021

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 17 - Request a special exception to allow a non-conforming Use Unit 17 (automobile sales) in a CS District.

Variance - Section 1217.3(b) - Automotive and Allied Activities Use Conditions - Request a variance to allow open air storage within 300' of an R District, located at 815 South Lewis.

Case No. 14021 (continued)

Presentation:

The applicant, D. W. Gilley, 819 South Lewis Avenue, Tulsa, Oklahoma, submitted photographs (Exhibit I-1) and stated that he owns and operates Gilley Electric, Inc., which is next door to the subject property. The applicant explained that there has been a car lot operating on the subject lot since 1964 and asked the Board to allow him to continue that use. He stated that he purchased the property in January of this year and a new tenant will be operating the lot.

Comments and Questions:

Ms. White asked the applicant if the property is screened from the abutting residential district and Mr. Gilley stated that it has a chain link fence.

Ms. Bradley commented that the sign for the car lot is so low that it is dangerous for people walking down the sidewalk. Mr. Gilley replied that he had not noticed the sign, but if it needs to be raised, he would be happy to comply with that requirement. He pointed out that he has renovated the existing office and upgraded the lot in general.

Ms. Wilson asked if the automobiles are parked on a hard surface and Mr. Gilley replied that they are parked on a gravel surface.

Mr. Gardner informed that anything that was there prior to 1970 would have been permitted by right, but since then, certain types of sales require Board approval in this zone, automobile sales being one of these.

Protestants:

Ms. Bagwell, 2416 East 8th Street, Tulsa, Oklahoma, stated that she lives to the west of the property and is opposed to any escalated activity on the lot. She stated a concern about the noise and lights that would disturb the residents behind the car lot.

Mr. Jackere pointed out that a car lot would be a very quiet operation compared to a bar which would be permitted on the lot by right.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no, "abstentions"; Clugston, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 17) to allow a non-conforming Use Unit 17 (automobile sales) in a CS District; and to **APPROVE** a **Variance** (Section 1217.3(b) - Automotive and Allied Activities Use Conditions) to allow open air storage within 300' of an R District; subject to a solid screening fence being placed on the east boundary of the lot; subject to the parking lot where the cars are parked awaiting sale, being hard surface; subject to lighting being directed away from the residential area; and

Case No. 14021 (continued)

subject to days and hours of operation being Monday through Saturday, 9 a.m. to 6 p.m.; finding that the car lot has been operating at the present location for many years; on the following described property:

North 50' of Lot 12, Block 3, Highlands Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14022

Action Requested:

Special Exception - Section 420 - Accessory Uses Permitted in Residential Districts - Request a special exception to allow a home occupation (social club) in an RM-1 District, located at 523 East Seminole Place.

Presentation:

The applicant, Roosevelt Barcus, 523 East Seminole Place, Tulsa, Oklahoma, asked the Board to allow him to operate a social club in his home.

Comments and Questions:

Ms. Bradley asked the applicant if he lives in the house where the club would be operating and he answered in the affirmative.

Mr. Jackere asked if there will be a charge to enter the club and he replied that anyone can enter, but there would be a charge for playing pool.

Ms. Bradley asked Mr. Barcus if there will be food and drinks served and he answered that he might serve beer.

Ms. Wilson inquired as to the days and hours of operation for the club and the applicant replied that he plans to be open 7 days each week, from 8 a.m. to 7 p.m.

Ms. Bradley asked where the clients will park and Mr. Barcus stated that they will park on the street.

Mr. Jackere asked the applicant how long he has lived at the present address and he replied that he has lived there 2 years.

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

Protestants:

There were numerous protestants in the audience. A petition (Exhibit J-3) signed by area residents that opposed the application was submitted.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no, "abstentions"; Clugston,

Case No. 14022 (continued)

"absent") to **DENY** a **Special Exception** (Section 420 - Accessory Uses Permitted in Residential Districts) to allow a home occupation (social club) in an RM-1 District; finding that the home occupation is not compatible with the area and that the granting of the special exception request would not be in harmony with the Code and the Comprehensive Plan; on the following described property:

Lot 26, Block 8, Meadow Brook Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14023

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1206 - Request a special exception to allow a single family dwelling in a CG District, located on the SW/c of 11th Street and 87th East Avenue.

Presentation:

The applicant, Albert Lawrence, 8544 East 11th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit K-2) and photographs (Exhibit K-1) and asked the Board to permit him to build living quarters on the back of the lot behind an existing storage vault. Mr. Lawrence stated that he opened last August and found that a large portion of his business is storing backup computer tapes. He informed that sometimes his clients need to get tapes in the middle of the night and it is imperative that he has ready access to these items in order that prompt delivery can be made. Mr. Lawrence stated that the security system is very sensitive and it is important that someone be nearby to check the alarms when they are triggered. He informed that the building will be elevated on pilasters and will not interfere with the water flow in case of flooding.

Protestants:

Dean Smith, 8701 East 12th Street, Tulsa, Oklahoma, stated that he represents himself, Don Barker and the Pitcocks who live in the neighborhood. He noted that the property in question is in a floodplain and that everything that is built in this area contributes to additional flooding. Mr. Smith pointed out that millions of dollars are being spent on Mingo Creek to prevent flooding, while properties upstream are being allowed to aggravate the problem that we are trying to correct. He asked the Board to deny the application.

Comments and Questions:

Ms. Bradley asked the applicant to state the size of the dwelling unit that he is planning to build. Mr. Lawrence replied that the extension will be 10' by 60'.

Case No. 14023 (continued)

Mr. Jackere pointed out that the applicant could make an addition to his vault without coming to the Board, but the question at this time, is whether or not a single family dwelling is appropriate in the CG District.

Board Action:

On MOTION of 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 1206) to allow a single family dwelling in a CG District; per plot plan submitted; and subject to Stormwater Management approval; on the following described property:

Lot 5, Block 1, Forrest Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14024

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1206 - Request a special exception to allow a single-family dwelling in an OL District, located at 4610 North Detroit Avenue.

Presentation:

The applicant, Kelly Austin, 4610 North Detroit Avenue, Tulsa, Oklahoma, stated that he has built a garage on one of his 3 lots and is in the process of having a house moved in for a security person. He informed that he was not aware that the dwelling would not be allowed in the CS District to the north of his garage.

Comments and Questions:

Ms. Wilson asked Mr. Austin if the security person will live in the house and he replied that it will be their residence.

Mr. Gardner asked the applicant if he owns the CS property to the south on 46th Street and he answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of 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 - Principal Uses Permitted In Commercial Districts - Use Unit 1206) to allow a single-family dwelling in a CS District; finding that the dwelling will not be detrimental to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 14024 (continued)

Lot 6, Block 11, Fairhill 2nd Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14025

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required 50' setback from the centerline of Atlanta Avenue to 30.10' to reconstruct a garage that was previously non-conforming, located on the NW/c of 19th Street and Atlanta Avenue.

Presentation:

The applicant, James Titus, 2503 East 19th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit L-1) and asked the Board to allow him to build a garage which will replace an old garage that has been demolished.

Comments and Questions:

Ms. White asked the applicant if the garage will line up with the garage to the north and he replied that it does line up with the others on the street.

Ms. Wilson asked Mr. Titus to state the size of the proposed garage and he replied that it will be 24' by 24'.

Board Action:

On MOTION of 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 required 50' setback from the centerline of Atlanta Avenue to 30.10' to reconstruct a garage that was previously non-conforming; per plot plan submitted; finding that the garage will align with the existing house; and finding a hardship imposed on the applicant by the corner location, with setbacks from 2 streets, and the narrow shape of the lot; on the following described property:

Lot 11, Block 6, Lewiston Gardens Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14026

Action Requested:

Minor Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the required 50' setback from 26th Place North to 40', located on the SW/c of 26th Place North and Quaker Street.

Case No. 14026 (continued)

Presentation:

The applicant, Rufus Freeman, 3117 East Xyler, Tulsa, Oklahoma, stated that he owns a corner lot and pointed out that the proposed house will not fit on it without the variance requested.

Ms. Wilson asked the applicant if he was before the Board in July requesting a day care center and he answered in the affirmative.

Mr. Chappelle inquired if the building to the west is closer to 26th Place North than the proposed structure and he replied that it is closer than his house will be.

Ms. Bradley asked Mr. Freeman what street his house will face and he answered that it will front on Quaker.

Protestants: None.

Board Action:

On MOTION of 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 50' setback from 26th Place North to 40'; finding that the proposed house will not be as close to 26th Place North as the building now existing on the abutting property to the west; finding a hardship demonstrated by the shape of the lot and the corner location of the tract, with setbacks from 2 streets; on the following described property:

Lot 12, Block 4, Cliff View Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14027

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Request a variance of floor area ratio from 50% to 56% in a CS District.

Variance - Section 1320(d) - Off-Street Parking, General Requirements - Request a variance to allow off-site parking, located on the SW/c of Admiral Place and 89th East Avenue.

Comments and Questions:

Ms. Hubbard informed that the Board should consider the 2nd variance and if this is approved the applicant is not in need of the 1st variance.

Case No. 14027 (continued)

Presentation:

The applicant, Ivan Knight, 1517 South 77th East Avenue, Tulsa, Oklahoma, who stated that he is the owner of Airway Variety Stores and asked the Board to allow him to tie his 6 lots together for off-site parking.

Comments and Questions:

Mr. Chappelle asked Mr. Knight if he has a plot plan for the building and he replied that he does not have one with him.

Mr. Knutson informed that a 12,000 sq. ft. building is being constructed on the back 3 lots and asked the Board to allow these lots to be tied to the front 3 lots, which will provide adequate parking for the facility.

Board Action:

On MOTION of WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no, "abstentions"; Clugston, "absent") to WITHDRAW a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts) of floor area ratio from 50% to 56% in a CS District; and to APPROVE a Variance (Section 1320(d) - Off-Street Parking, General Requirements) to allow off-site parking; subject to execution of a tie contract; on the following described property:

Lots 1, 2, 3, Part of Lot 14, All of Lots 15 and 16, Block 1, Hirrlinger Subdivision, Tulsa County, Oklahoma.

Case No. 14028

Action Requested:

Use Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1206 - Request a use variance to allow an efficiency dwelling in a garage associated with a non-conforming residence.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Request a variance to allow 2 dwelling units per lot of record, located at 548 South Quaker.

Presentation:

The applicant, Steve McGrew, was represented by his brother Jeff McGrew, 3316 South Utica, Tulsa, Oklahoma, stated that he and his brother bought the subject property through a foreclosure. He informed that they are proposing to improve the property and convert a garage into an apartment for rental purposes.

Case No. 14028 (continued)

Ms. White asked if there are other garage apartments in the area and Mr. McGrew answered in the affirmative.

Mr. Chappelle asked the applicant if there will be sufficient parking for the apartment and he replied that he owns the property next door to the north, which will supply ample parking.

Mr. Gardner informed that prior to 1970 a residential unit was permitted by right in an Industrial District.

Protestants: None.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no, "abstentions"; Clugston, "absent") to APPROVE a Use Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1206) to allow an efficiency dwelling in a garage associated with a non-conforming residence; and to APPROVE a Variance (Section 208 - One Single-Family Dwelling per Lot of Record) to allow 2 dwelling units per lot of record; finding that there are numerous garage apartments in the older area and that the granting of the request will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code or the Comprehensive Plan; on the following described property:

The north 4' of Lot 1, Block 8, Factory Addition to Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and also the south 44' of vacated Fostoria or Birch Street adjoining said Lot 1, on the north and a tract of land as follows: Beginning at a point 4' south of the NW/c of Lot 1, Block 8, in said Factory Addition: Thence west 64'; thence north 48'; thence east 64'; thence south 48'; to the Point of Beginning, all of which tracts constitute one parcel of land in the form of parallelogram, the north and south boundary line of which run east and west, 130' in length; and the east and west boundary lines of which run north and south are 48' in length; and the SE/c of said parallelogram is 4' south of the NE/c of said Lot 1, in Block 8, all of which said tract or parallelogram being part of the SW/4 of Section 6, T-19-N, R-13-E, according to the Original Government Survey thereof.

Case No. 14029

Action Requested:

Minor Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of Victor Avenue from 55' to 47' to

Case No. 14029 (continued)

allow the construction of a dwelling unit, located on the SE/c of Victor Avenue and 32nd Place.

Presentation:

The applicant, John Woolman, of Woolman Properties, 2411 East Skelly Drive, Tulsa, Oklahoma, submitted a plot plan (Exhibit M-1) and stated that there was a house on the property in question which has been removed. He pointed out that the house was built approximately 40 years ago and was encroaching on the setback. Mr. Woolman informed that the proposed home will be farther from the centerline of Victor Avenue than the previous structure. He stated that the neighbors are not opposed to the new construction.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no, "abstentions"; Clugston, "absent") to **APPROVE** a **Minor Variance** (Section 430.1 - Bulk and Area requirements in Residential Districts - Use Unit 1206) of setback from the centerline of Victor Avenue from 55' to 47' to allow the construction of a dwelling unit; per plot plan submitted; finding that the proposed structure is farther from the centerline of Victor Avenue than the previous dwelling which it is replacing; and finding a hardship imposed on the applicant by the shape and size of the property and the corner lot location; on the following described property:

Lot 14, Block 8, Bren-Rose Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14030

Action Requested:

Special Exception - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 5 - Request a special exception to allow a Use Unit 5 in an OL District.

Use Variance - Section 610 - Principal Uses Permitted in Office Districts - Use Unit 5 or 14 - Request a use variance to allow limited commercial art gallery sales within a Use Unit 5 or to allow a Use Unit 14 (commercial art gallery) in an OL District, located at 2536 East 51st Street.

Presentation:

The applicant, Robert Nichols, 115 West 5th Street, Tulsa, Oklahoma, submitted photographs and letters of support (Exhibit N-1) and stated that he is representing Ed Adams. He asked the Board to allow his client to operate an art investment business in an OL District. A brochure (Exhibit N-2) of the business as it is presently being operated at Utica Square was submitted and he pointed out that the average price of the art work is \$3500. Mr.

Case No. 14030 (continued)

Nichols stated that there is screening in place to the east of the building and that there has been no opposition to the gallery from the surrounding property owners. He noted that usually only 4 or 5 clients visit the business each day, but, on occasion there have been as many as 23 visitors in one day. Mr. Nichols informed that the owner of the subject property also operates a Real Estate business in a portion of the building.

Comments and Questions:

Ms. White asked if the art gallery will be open from 9:30 a.m. to 5 p.m. in the new location and he answered in the affirmative.

Mr. Gardner pointed out that, if the gallery is permitted to operate in the OL District, it should have the appearance of an office and not retail.

Board Action:

On MOTION of WILSON, the Board voted 3-1-0 (Bradley, Chappelle, Wilson, "aye"; White, "nay"; no, "abstentions"; Clugston, "absent") to **WITHDRAW** a **Special Exception** (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 5) to allow a Use Unit 5 in an OL District; and to **APPROVE** a **Use Variance** (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 14) to allow a Use Unit 14 (commercial art gallery) in an OL District; subject to the size of the business sign being 24 sq. ft.; subject to days and hours of operation being Monday through Saturday, 9:30 a.m. to 5:00 p.m., evenings by appointment; finding that the business is not a true commercial art gallery, but has limited sales, and that the Code does not specifically address this type of business; on the following described property:

The South 100' of the north 150' of the east 140' of the E/2 of the NE/4, NW/4, NW/4 of Section 32, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14031

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 5 - Request a special exception to allow an existing group home in an RS-2 District, located at 628 North Country Club Drive.

Presentation:

The applicant, Richard DeSirey, was represented by Robert Nichols, 115 West 5th Street, Tulsa, Oklahoma, who asked the Board to allow the Tulsa Community Youth Home to continue to operate a home for teenagers in a residential area. He informed that the site has been used from 1968 to 1983 by the Eastern Oklahoma State Hospital for an outpatient psychiatric clinic. Mr. Nichols explained that in 1983 the youth home took over occupancy and have been operating there

Case No. 14031 (continued)

until this time. They thought that, since the facility was owned by the State, they were not subject to Tulsa zoning and did not make application for a special exception to allow their operation in the RS-2 District. Mr. Nichols informed that the residents are comprised of 10 teenagers from 12 to 18 years of age and 2 teenagers from 17 to 19 years, with at least 1 adult supervisor at all times. He pointed out that all applicants are screened and delinquents are not allowed at the home. He informed that there is adequate parking on the property for 35 vehicles and that there have been improvements made to the facility in the amount of approximately \$40,000.

Comments and Questions:

Ms. Bradley stated a concern with the home in question, a similar home next door (which was denied and on appeal) and Mother Tucker's facility all being grouped so closely in the area.

Ms. Wilson asked Mr. Nichols to state the distance between the subject home and Mother Tucker's home. He informed that the distance is 300 yards between the two facilities.

Mr. Chappelle stated that a letter (Exhibit 0-1) of opposition to the application that was dealt with in February, has been received from the District 11 Planning Team, and also, a letter (Exhibit 0-2) opposing the home was submitted by Code Enforcement.

Protestants:

Amadeo Richardson, 620 North Country Club Drive, Tulsa, Oklahoma, stated that he lives in the house between the 2 group homes and feels that professional people are buying property in the neighborhood and attempting to rejuvenate the area for residential. He informed that, at one time, he was treated rudely by the occupants of the home when he complained about loud music being played on the balcony of the facility. Mr. Richardson stated that, on 2 occasions, he was propositioned by young ladies that live in the group home.

Comments and Questions:

Ms. White asked Mr. Richardson how long he has lived at his present address and if he was not aware that the house was not the basic family dwelling. The applicant replied that he moved into the house on February 8, 1986 and that it had been on the market for 3 years. Mr. Richardson stated that he decided to move to north Tulsa to help upgrade the area.

There was discussion concerning the District Plan and its review this year and whether or not a time period should be considered if the home is approved.

Mr. Jackere informed that the Board should make a decision based on whether or not the group home is appropriate for the area.

Case No. 14031 (continued)

Mr. Gardner pointed out that the group home requires a special exception now and will require a special exception under the new ordinance.

Applicant's Rebuttal:

The applicant asked the Board to allow the group home to remain for a 2-year period, with a review by the Board at the end of that time.

Ms. Wilson asked Mr. DeSirey to restrict the occupants of the home from the activities that were pointed out earlier by Mr. Richardson.

Richard DeSirey, 628 North Country Club Drive, Tulsa, Oklahoma, stated that Mr. Richardson is the only neighbor that has ever voiced a complaint. He stated that he does not believe that the girls that live at the home propositioned Mr. Richardson.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no, "abstentions"; Clugston, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 5) to allow an existing group home in an RS-2 District; for a period of 2 years; on the following described property:

Lots 2, 3, and 4, Block 6, South Osage Hills Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14032

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Request an appeal to the decision of the Building Inspector determining that the submitted plans and specifications constitute a drive-in bank facility. Alternatively

Use Variance - Section 610 - Principal Uses Permitted In Office Districts - Use Unit 11 - Request a use variance to allow a drive-in bank facility in an OL District as per revised plans, located on the NW/c of 21st Street and South Birmingham.

Comments and Questions:

Mr. Chappelle informed that a letter (Exhibit Z-2) from Mr. Charles Crane, who represents a protestant in this case, requested a 2-week continuance.

Mr. Malloy stated that he was contacted by Mr. Crane at approximately 11 a.m. who informed him that he would ask for a continuance, however, there are interested parties who came from Oklahoma City to speak in behalf of the banking facility.

The Board determined that the request for a continuance was dated April 17, 1986 and was not considered a timely request.

Case No. 14032 (continued)

Mr. Jackere informed Mr. Malloy that he has a legal concern about the jurisdiction of the Board to hear the appeal on the issue of whether or not this is an attached accessory drive-in. He pointed out that this was properly before the Board many months ago and it seems to be an attempt to revive a dead issue.

Ms. Bradley asked the applicant if he is presenting a different set of plans and he answered in the affirmative.

Presentation:

The applicant, Terry Malloy, 1924 South Utica, Suite 820, Tulsa, Oklahoma, stated that, in his opinion, the new plans bring the drive-in within the Code. A revised site plan (Exhibit Z-1) was submitted. He stated that Mr. Jackere had suggested at the January meeting that columns be installed on the drive-in portion that would tie it to the roof and these have been added in the new plans. Mr. Malloy pointed out that a sign which would prevent a left turn into the neighborhood has also been added. He stated that the Federal Home Loan Bank Board has approved the facility as a full service bank.

Comments and Questions:

Mr. Gardner pointed out that if there is more than 1 drive-in window, there are two principal uses, a drive-in facility and a banking facility. He stated that the number of drive-in windows will determine the amount of traffic that will drive through, and the amount of traffic will determine whether it is appropriate or inappropriate for the neighborhood. Mr. Gardner suggested that if there are 2 windows, there are 2 principal uses and an exception for the second principal use is required, not a variance.

Barbara Patrick, P.O. Box 838, Oklahoma City, Oklahoma, stated that she is Senior Vice-President of Continental Federal and that she has met with 12 of the homeowners in the area and feels that they have worked out a solution to most of the problems. She explained that the traffic is directed in from 21st Street and will stack on their property for the 3 drive-in lanes. She informed that vehicles will not be permitted to make a left turn and enter the residential neighborhood. Ms. Patrick stated that a fence will be installed and tall trees planted for a buffer.

Mr. Gardner stated that the plans have been revised and suggested that the Board will need to determine whether or not this facility is appropriate for the area.

Protestants:

Tom Mills, 2604 East 20th Street, Tulsa, Oklahoma, stated that he lives to the east of the proposed facility and that the greatest concern is the increased traffic in the neighborhood. He explained that the approved entrance on Birmingham is very objectionable. Mr. Mills pointed out that the fumes from the stacked automobiles could

Case No. 14032 (continued)

prevent adjoining residents from using their back yards. He suggested that a single window would be the ideal solution.

Ms. Patrick pointed out that the driver of the car must be on the same side as the building.

Ms. White commented that she feels it would be impossible to prevent customers from turning left into the neighborhood.

Board Action:

On MOTION of BRADLEY, the Board voted 3-1-0 (Bradley, White, Wilson, "aye"; Chappelle, "nay"; no, "abstentions"; Clugston, "absent") to **UPHOLD** an **Appeal** (Section 1650 - Appeals from the Building Inspector) to the decision of the Building Inspector determining that the submitted plans and specifications constitute a drive-in bank facility; and to **DENY** a **Special Exception** (Section 610 - Principal Uses Permitted In Office Districts - Use Unit 11) to allow a drive-in bank facility in an OL District as per revised plans; finding that the granting of the special exception request would be detrimental to the neighborhood; on the following described property:

Lots 9 and 10, Block 2, Gilbert Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14033

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 23 - Request a use variance to permit a wholesale and warehouse meat operation in a CS District, located west of the NW/c of Admiral Place and Garnett Road.

Presentation:

Roy Hinkle, 1515 East 71st Street, Tulsa, Oklahoma, submitted photographs (Exhibit P-1) and explained to the Board that his client owns a 5-acre tract and would like to construct a building to be used for a wholesale meat operation. Mr. Hinkle informed that there are several businesses across the street from the subject property.

Comments and Questions:

Ms. Bradley asked Mr. Hinkle to explain the intended use of the property. He stated that meat would be brought to the location, processed and packaged, and sold to grocery stores. He informed that Hodges Meat Packing Company has been in business in Tulsa for several years and need to expand their operation. Mr. Hinkle pointed out that there is no odor or noise involved in the processing of the meat.

Case No. 14033 (continued)

Ms. Wilson asked Mr. Hinkle if the property in question is zoned CS or RMH and he replied that it is supposedly zoned CS.

Mr. Gardner informed that the property was zoned CS by the City Commission and FD if there was any floodway, but it was determined that there is not floodway. He pointed out that there are some wholesale type uses in Use Unit 15 and also, there is a frozen food use in Use Unit 15. He stated that this business has some characteristics of this unit, but is not specifically noted.

Ms. Hubbard informed that Use Unit 23, Warehousing and Wholesaling, would not specifically include this use either. She suggested that the Board will need to determine whether this business would fit appropriately in Use Unit 15 or Use Unit 23.

Mr. Gardner pointed out that, if the business is found to be Use Unit 15, it will need a special exception, but if it is determined to be Use Unit 23, a variance is required because it is zoned CS commercial. He informed that, if the owner was merely storing packaged frozen goods and trucking them out, he would not need to come before the Board.

Ms. Wilson asked Mr. Hinkle to state the size of the proposed building and the number of employees for the business. He answered that the building will be approximately 35,000 to 40,000 sq. ft. and the company will employ about 40 people.

Ms. Wilson asked if there will be retail sales on the property and he replied that the business will be wholesale only.

Mr. Gardner informed that the area to the south is a new subdivision where the Board has approved Use Unit 15 by special exception and others have been approved on the same street.

Board Action:

On MOTION of WHITE, the Board voted 3-1-0 (Chappelle, White, Wilson, "aye"; Bradley, "nay"; no, "abstentions"; Clugston, "absent") to **APPROVE** a **Use Variance** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 23) to permit a wholesale and warehouse meat operation in a CS District; finding a hardship demonstrated by the fact that the wholesale meat operation is not specifically addressed in the Code, but has similar characteristics to Use Unit 15; on the following described property:

Tract A

All of the W/2 of the W/2 of the E/2 of Lot 1 of Section 6, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma, Less and except the southerly 75.00' thereof.

Case No. 14033 (continued)

Tract B

All of the E/2 of the E/2 of the W/2 of Lot 1 of Section 6, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma. Less and except the southerly 75.00' thereof.

Tract C

The northerly 17.00' of the W/2 of the E/2 of the W/2 of Lot 1 of Section 6, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 13514

Action Requested:

Variance - Section 620.2(d) - Accessory Uses Permitted In Office Districts - Use Unit 1219 - Request a variance of the display surface area limitations to permit 2 wall mounted and 2 ground signs for a hotel in a OMH zoned district, located east of I-44 and Broken Arrow Expressway.

Presentation:

The applicant, Charles Norman, 909 Kennedy Building, Tulsa, Oklahoma, stated that, in April of 1985, he applied for a variance to permit the construction of 2 wall signs on the Embassy Suites. He informed that the signs were limited to 32 sq. ft. and the words Embassy Suites were placed on the building. Mr. Norman informed that there is some confusion as to the meaning of the two words, so his client would like permission to add the word 'hotel' to the existing signs. A substitute sign plan (Exhibit Q-1) was submitted.

Comments and Questions:

Mr. Gardner informed that the application has been previously approved, per the sign plans submitted and that the applicant is asking to submit a revised sign plan which will add the word 'hotel' under the words Embassy Suites.

Board Action:

On MOTION of WILSON, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no, "abstentions"; Clugston, "absent") to **APPROVE** a **Variance** (Section 620.2(d) - Accessory Uses Permitted In Office Districts - Use Unit 1219) of the display surface area limitations to permit 2 wall mounted signs for a hotel in a OMH zoned district; per substitute sign plan; on the following described property:

All that part of Lot 3, Interchange Center, an addition to the City of Tulsa, Tulsa County, Oklahoma as recorded by Plat No. 2336, filed October 28, 1960 with the County Clerk of Tulsa, Oklahoma, more particularly described as follows, to-wit:

Case No. 13514 (continued)

Beginning at the S-SW/c of said Lot 3; thence N 00°02'27" W along the west boundary of said Lot 3 a measured distance of 54.10' (48.02' deed) to a point in the southeasterly right-of-way of Interstate Highway 44 (the N-SW/c of said Lot 3); thence N 48°55'30" E along the highway right-of-way and Lot 3 boundary a distance of 151.73'; thence S 41°04'30" E a distance of 204.16' to a point in the south boundary of said Lot 3, (north boundary of Interchange Place, and addition to the City of Tulsa) 1592.85' from the SE/c thereof; thence N 89°58'30" W along the common boundary of said Lot 3 and Interchange Place a distance of 248.48' to the Point of Beginning, containing 22,210.63 sq. ft. or 0.50987 acres, more or less.

AND

All that part of Lot 3, Block 1, Interchange Place, an addition to the City of Tulsa, Tulsa County, Oklahoma as recorded by Plat No. 3974 filed November 14, 1979 with the County Clerk of Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at the NW/c of said Lot 3, Block 1; thence S 89°58'08" E along the north boundary of said Lot 3 (south boundary of Interchange Center, an addition to the City of Tulsa) a distance of 307.23'; thence S 41°04'30" E a distance of 87.77' to a point in the east boundary of said Lot 3, Block 1; thence S 35°44'02" W a distance of 0.00'; thence along the east boundary of said Lot 3 on a curve to the left; having a radius of 380.00' a distance of 237.22'; thence S 00°02'08" E along the east boundary of said Lot 3 a distance of 75.40'; thence S 89°57'52" W a distance of 243.00'; thence N 62°52'35" W a distance of 228.12' to a point in the west boundary of said Lot 3 (easterly right-of-way of Interstate Highway 44) thence along the west boundary of said Lot 3 as follows: N 27°07'25" E a distance of 69.35'; thence N 29°38'06" E a distance of 211.90'; thence N 48°55'30" E a distance of 21.52' to the Point of Beginning, containing 141,170.38 sq. ft. or 3.24082 acres more or less.

AND

All that part of the E/2, NW/4, NE/4 of Section 23, T-19-N, R-13-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the Official U. S Government Survey thereof; more particularly described as follows to-wit:

Beginning at a point in the south boundary of said E/2, NW/4, NE/4, 99.00' from the SW/c thereof (the S-SW/c of Lot 3, Interchange Center, and addition to the City of Tulsa) thence 00°02'27" W along the west boundary of Lot 3, Interchange Center a measured distance of 54.10' (48.02' deed) to a point in the southeasterly right-of-way of Interstate Highway 44 (the

Case No. 13514 (continued)

N-SW/c of Lot 3, Interchange Center); thence S 48°55'30" W along Interstate Highway 44 right-of-way a measured distance of 82.30' (73.24' deed) to a point in the south boundary of said E/2, NW/4 NE/4, 36.92' from the SW/c thereof; thence S 89°58'30" E along the south boundary of said E/2, NW/4, NE/4 a distance of 62.08' to the point of beginning, containing 1,679.46 sq. ft. or 0.03856 acres, more or less. Containing in all 3 parcels 165,060.48' or 3.78927 acres, more or less.

Case No. 13264

Action Requested:

Clarification of BOA Case No. 13264 - Eton Square, located on the NE/c of 61st Street and Memorial Drive.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that this case involves Eton Square Shopping Center. He stated that a variance of the parking requirement was permitted and the approved total of 1,075 parking spaces has been constructed. An engineering report was submitted at that time which explained why a mixed use shopping center such as this would have a lower parking demand than it would have if all of the uses were freestanding on separate sites. Mr. Johnsen pointed out that in a mixed use center the peak demand for parking varies from use to use and a shopper may make a trip that will serve more than one purpose. He stated that, based on this concept, the Board reduced the number of parking spaces to 1,075 in August of 1984 and explained that in June of 1984 the parking code was changed. Prior to this change, the 1,075 spaces would have exceeded the parking requirement. Mr. Johnsen stated that the entire engineering report was submitted and approved by the Board and in the document was a recitation of floor areas which totaled 208,000 sq. ft. He informed that customarily Traffic Engineers, when computing demands for parking, deal in terms of leasable space rather than gross floor area. At that time it was assumed that because of the nature of the center, leasable and gross areas would be essentially the same, but as the plans were finalized there was more office and less retail than originally planned, which resulted in more common space and resulted in a reduction of the total parking requirements. He noted that the gross floor area that was actually constructed exceeds the 208,000 sq. ft., but the leasable is less. The leasable is 207,741 sq. ft., with a gross floor area of 219,574 sq. ft. Mr. Johnsen pointed out that the project's traffic engineers predicted that 1,067 parking spaces would be necessary for the center and 1,075 have been provided, however, after the change in tenant mix, their projection of need is 1,000. He asked the Board to approve the center floor area as constructed and allow future changes in tenant mix within the shopping center as long as the total parking requirement does not increase. A letter (Exhibit R-1) explaining the background of the changes in floor areas and a table (Exhibit R-2) setting forth the actual leasable floor area and gross floor area were submitted. It was noted that the floor areas set forth in Exhibit R-2, dated 4-17-86, were correct and superseded those set forth in Exhibit R-1, dated 4-11-86.

Board Action:

On MOTION of WHITE, the Board voted 4-0-0 (Bradley, Chappelle, White, Wilson, "aye"; no "nays"; no, "abstentions"; Clugston, "absent") to APPROVE a Clarification of Case No. 13264 - Eton Square; subject to floor area allocations submitted April 17, 1986 (Exhibit R-2) be found to be in keeping with the previously approved variance and that future changes in tenant mix will be permitted if the application of the Tulsa Zoning Code parking standards would not result in an increase of the total parking requirement; as compared to the total requirement that would result from the application of the Tulsa Zoning Code parking standards to the tenant mix set forth in Exhibit R-2; on the following described property:

A tract of land, containing 23.3072 acres, that is part of Lot 1, and all of Lot 2, in Block 1 of Memorial South Center an addition to the City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit; Beginning at a point that is the SW/c of Lot 2 in Block 1 of Memorial South Center; thence N 0°08'25" W and along the westerly line of said Block 1 for 500.00'; thence N 89°51'35" E for 154.19' to a point of curve; thence easterly and northeasterly along a curve to the left, with central angle of 53°25'42" and a radius of 250.00' for 233.13' to a point of tangency; thence N 36°25'53" E along said tangency for 190.12' to a point of curve; thence northeasterly and easterly along a curve to the right, with a central angle of 53°33'59" and a radius of 250.00' for 233.73' to a point of tangency; thence N 89°59'52" E and along said tangency for 328.73' to a point of curve; thence easterly and southeasterly along a curve to the right, with a central angle of 77°30'00" and a radius of 250.00' for 338.16' to a point of tangency; thence S 12°30'08" E and along said tangency for 64.86'; thence southeasterly along a curve to the left, with a central angle of 32°29'47" and a radius of 500.00' for 283.58' to a point of tangency; thence S 44°59'55" E and along said tangency for 120.45' to a point of curve; thence southeasterly and southerly along a curve to the right, with a central angle of 45°00'00" and a radius of 250' for 196.35' to a point of tangency; thence S 0°00'05" W and along said tangency for 90.00' to a point on the southerly line of Block 1 of Memorial South Center; thence N 89°59'55" W and along the southerly line of Block 1 for 1547.35' to the Point of Beginning of said tract of land, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 5:45 p.m.

Date Approved

5/11/86


Chairman