

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 474
Thursday, September 18, 1986, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Quarles Smith White		Gardner Jones Moore	Jackere, Legal Department Hubbard, Protective Inspections

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 16, 1986, at 4:00 p.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Minutes of September 4, 1986.

UNFINISHED BUSINESS

Case No. 13697

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow a modification to a previously approved site plan for a car wash facility in a CS District, located east of the NE/c 91st Street and Delaware Avenue.

Presentation:

The applicant, Tom Waddle, was represented by Charles Norman, Suite 909, Kennedy Building, Tulsa, Oklahoma, who submitted an amended site plan (Exhibit A-1), photographs (Exhibit A-4) and development standards (Exhibit A-5) for a car wash which was previously approved by this Board. Mr. Norman informed that the purpose of the application today is to amend the previously approved site plan. He pointed out that the intersection has been completed, resulting in the center median extending to the east property line, which was farther than anticipated. Mr. Norman informed that this installation does not have a blow dry operation and the vacuum system is a type that makes a minimal amount of noise. He stated

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that the west 50' of the property in question has been sold to the convenience store for additional parking and asked the Board to permit 1 additional automatic wash and 2 additional drying stations for hand drying. Mr. Norman informed that the arrangement has been reversed in order to provide more stacking space for people making a left turn at the median. A petition (Exhibit A-2) of support was submitted.

Comments and Questions:

Ms. Bradley asked where the vacuums are located and Mr. Norman replied that they are 20' south of the north property line and approximately 95' from the nearest dwelling unit.

Mr. Norman commented that some residents of the area voiced a concern that drainage for the car wash would not be adequate and he pointed out that there are 2 collection points on the south side of the subject property which are connected directly to the storm sewer.

Protestants:

Mr. Chappelle stated that a petition of protest (Exhibit A-3) was submitted to the Board.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; none, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow a modification to a previously approved site plan for a car wash facility in a CS District; per plot plan submitted; subject to building structures being concrete block and steel with a jumbo brick finish of the same type and color as the brick on the Quik Trip Store to the west of the site, with all exterior wall, columns and bay ends being finished with brick; subject to interior bay walls being finished with kemlite fiberglass sheets to provide weather and water protection to interior walls; subject to building fascia being 3' high finished in rough cedar around the entire building with the same design as the Quik Trip building fascia; subject to the car wash bays being a maximum of 9' in height from the surface to the bottom of the building fascia, with bays having an aluminum ceiling with no pipes, hoses or plumbing exposed, with the option to install two 400 watt metal halide lights on the interior of each bay and all other lighting being fascia mounted and directed downward and away from the north boundary of the site; subject to drying bays being a maximum of 9' high from the surface to the bottom of the building fascia, with support columns being brick finished on all sides, with car vacuums being mounted on brick bases which match building columns and building fascia being the same as on the wash bays; subject to lights within the south 90' of the property not exceeding 15' in height with lighting directed downward and away from the north boundary of the site, with all lighting within the north 60' of the property being attached to the

Case No. 13697 (continued)

frame of the drying bays canopy and shall be directed downward and away from the north boundary of the property; and subject to wall or fascia mounted signs not projecting above the building fascia, with wall sign lettering not to exceed 2' in height, with no temporary signs, banners or streamers being permitted; on the following described property:

The west 250 ft. of the east 500 ft. of Lot 1, Block 1, Delaware Crossing Condominiums, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14159

Action Requested:

Appeal - Section 1650 - Appeals from the Building Inspector - Section 1470 Parking, Loading and Screening Nonconformities - Use Unit 1214 - Request an appeal from the determination of the Building Inspector that off-street parking must be hard surfaced, for reason that commercial use of the premises and the appurtenant off-street parking commenced prior to the effective date of the Zoning Code requirement of hard surfacing;

Alternatively:

Variance - Section 1214.4 - Off-Street Parking and Loading Requirements - Request a variance of the required number of off-street parking spaces.

Variance - Section 1340(d) - Design Standards for Off-Street Parking Areas - Request a variance of the requirement that off-street parking spaces be hard surfaced, located east of the NE/c of 129th East Avenue and East Admiral Place.

Presentation:

The applicant, Roy Johnsen, 324 Main Mall, Tulsa, Oklahoma, stated that he is representing the owner of the subject property which includes approximately 9 acres that is zoned commercial. Mr. Johnsen explained that the property was originally purchased in 1965 by Mr. Eichhorn who constructed a furniture store on the property, with gravel parking. He informed that the floor area of the store was increased to 15,000 sq. ft. in 1969, with 1 acre of gravel parking being provided. On July 1, 1970 an off-street parking requirement was established by the Zoning Code for Commercial Districts, which required that off-street parking areas be all-weather. Mr. Johnsen informed that in August of 1970 Horn Brothers Furniture burned and was replaced with a 30,000 sq. ft. building, with a small asphalt parking lot and a gravel parking area. An affidavit (Exhibit B-3) signed by Mr. Eichhorn stated that the parking lot consisted of 1/4 acre of asphalt and 2 acres of gravel parking. Mr. Johnsen stated that the tract was sold in 1977

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and Duke's Club began to operate on the property, with expanded gravel parking. An as built survey (Exhibit B-1) was submitted. He noted that a Certificate of Occupancy (No. 3734) issued by the Building Inspector's office in 1977, indicated that the building was in compliance with the Code. He informed that Duke's subsequently went out of business and the property was leased in April, 1986, to the operators of the Expressway Flea Market who were granted a Certificate of Occupancy with a condition that parking be all-weather (asphalt or concrete). Mr. Johnsen pointed out that the subject property is virtually isolated and is bounded on the north by the expressway, on the south by two intersecting expressways and on the west by rural properties. He pointed out that Mr. Sampson, one of the property owners to the west, does not want the parking lot covered with a hard surface material because of water drainage toward his property. Mr. Johnsen stated that the hours of operation will be Friday, 12 p.m. to 9 p.m., Saturday and Sunday, 10 a.m. to 6 p.m. Photographs (Exhibit B-2) were submitted.

Comments and Questions:

Mr. Quarles asked what portion of the tract would be required to have hard surface parking and Mr. Johnsen answered that the Code would require approximately 1 acre or 140 parking spaces.

Ms. Bradley asked Mr. Jackere if the use could be classified as nonconforming and he replied that the previously operated club is in a different Use Unit than the presently operating flea market and therefore, the existing gravel parking would not be nonconforming because the principal use has been changed.

Mr. Johnsen pointed out that, if this be so, in order for the owner to utilize the property, it would become necessary to use the building for a club only, and asked the Board to consider the variances requested.

Ms. White stated that, due to the complexity of the decision in determining if this use is nonconforming, she is in favor of considering the variances requested.

Mr. Johnsen informed that, if the facts presented warrant the granting of the variance for the flea market, he will dismiss, without prejudice, the request for determination of nonconforming use status and present that issue at a later hearing if necessary.

Mr. Jackere advised that such a procedure will be acceptable.

Board Action:

On MOTION of WHITE, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; none, "absent") to WITHDRAW (without prejudice to later present the issue of nonconforming use status) an APPEAL (Section 1650 - Appeals from

Case No. 14159 (continued)

the Building Inspector - Section 1470 Parking, Loading and Screening Nonconformities - Use Unit 1214) from the determination of the Building Inspector that off-street parking must be hard surfaced, for reason that commercial use of the premises and the appurtenant off-street parking commenced prior to the effective date of the Zoning Code requirement of hard surfacing; and to APPROVE a Variance (Section 1214.4 - Off-Street Parking and Loading Requirements) of the required number of off-street parking spaces; and to APPROVE a Variance (Section 1340(d) - Design Standards for Off-Street Parking Areas) of the requirement that off-street parking spaces for the flea market use be hard surfaced, such variance being applicable only to flea market use of the graveled parking areas; finding a hardship imposed by the fact that the building has been in existence for several years, by the large size of the tract and the fact that it is virtually isolated, with expressways abutting the property on two sides; on the following described property:

A tract of land in U.S. Government Lots 3 and 4, Section 4, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Commencing at the Northwest corner of Section 4, said point being the Northwest corner of U.S. Government Lot 4 of said Section 4; thence N 89°56'54" E along the North line of Section 4, a distance of 716.10 feet to the POINT OF BEGINNING; thence continuing N 89°56'54" E along the North line of Section 4 and the North line of U.S. Government Lot 4 a distance of 581.83 feet; thence S 52°11'09" E a distance of 484.31'; thence S 76°03'12" W a distance of 78.21 feet; thence S 76°39'12" W a distance of 0.00 feet; thence on a curve to the left having a central angle of 14°32'30" and a radius of 1969.86 feet a distance of 499.95 feet; thence S 68°52'57" W a distance of 334.13 feet; thence Due West a distance of 106.31 feet to a point, said point being 75.00 feet North and 716.10 feet East of the Southwest corner of U.S. Government Lot 4; thence N 0°21'45" W a distance of 611.23 feet to the POINT OF BEGINNING and containing 387,489.36 square feet or 8.8955 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14182

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for the expansion of an existing hospital and related uses, located south of SW/c of 61st and Sheridan.

Presentation:

The applicant, Bryan Henson, 1208 East 8th Street, Sand Springs, Oklahoma, who submitted a site development plan (Exhibit C-2)

Case No. 14182 (continued)

explained that Shadow Mountain Institute was allowed to locate at the present site in 1979. Mr. Henson explained that the hospital specializes in psychological treatment of adolescent children from ages 5 to 18 and does not provide inpatient care and services for adults. He stated that he would like to address the 3 issues about which the Board had voiced a concern at the last meeting. Mr. Henson stated that some of these issues in question are the square footage of the proposed addition, the number of patients and staff personnel and a clarification of the need for the second access to the facility from Lakewood. Mr. Henson informed that the site plan and development plan which have been presented to the Board spell out the exact size of the buildings and the number of employees and patients. He submitted a letter from the Fire Department (Exhibit C-3) which stated that access to the facility from Lakewood is needful for fire truck entry. Mr. Henson submitted a letter from Stormwater Management (Exhibit C-6) which addresses hydrology. The applicant also submitted a police report (Exhibit C-1) which noted the 38 requests for service between the months of January and August of 1986. He pointed out that these requests were all made by the Institute staff and approximately 1/3 of these were in connection with prowlers and suspicious characters in the area. Mr. Henson stated that a large number of the calls were in connection with residents that had left the campus without permission and these incidents are required to be reported.

Jerry Dillon, 6262 South Sheridan Road, Tulsa, Oklahoma, informed that there is a significant need in Tulsa for the care of children and adolescents who have problems. He informed that he has met with neighbors in the area and found that there are many of them who support the institute.

Comments and Questions:

Ms. Bradley inquired as to how many acres will be utilized for the buildings on the tract and Mr. Dillon informed that the buildings will be increased by using 10% more of the land.

Ms. Bradley asked the Mr. Dillon if any alternatives for access to the property have been discussed with the Fire Department.

Mr. Bjornberg, 3100-A North Hemlock Circle, Tulsa, Oklahoma, stated that the front part of the property on Sheridan was condemned when that street was widened and the incline is too steep to install another access on Sheridan Road.

Mr. Dillon informed that an electronic access gate for only 24 staff members is planned for the Lakewood entrance.

Case No. 14182 (continued)

Mr. Quarles inquired if all traffic to the Institute now enters from Sheridan and Mr. Dillon answered in the affirmative.

Ms. Bradley asked if the administration, educational and horizon buildings are all 2-story and Mr. Bjornberg informed that 4 buildings will have 2 stories, but they will be cut into the side of the hill and a portion will be 1-story.

Mr. Henson submitted a letter of support (Exhibit C-4) from a neighbor who has lived in the area for many years and has no objection to the expanding of the facility.

Protestants:

James Poe, 5808 East 63rd Street, Tulsa, Oklahoma, stated that he is a lawyer and resides in the area where Shadow Mountain Institute is located. He informed that, in his opinion, there has been an increase in vandalism and crime in the neighborhood since the Institute has been in operation. Mr. Poe referred to a 1986 police report to support this opinion, which was read in the presence of the Board. Mr. Poe informed that the police report reflected that calls were made to the hospital to investigate, vandalism, assault with a deadly weapon, run away patients, stolen vehicles and rape. He pointed out that such a facility should not be located near a residential area. Mr. Poe informed that a letter from Jack Bohannon, a Realtor, stated that further expansion of the facility in question would adversely effect the property values in the surrounding residential neighborhood.

Lee Gideon, 6403 South Kingston, Tulsa, Oklahoma, submitted letters (Exhibit C-5) to support his statement in the previous meeting which pointed out that a boy was running through the neighborhood with a ball bat, while trying to elude 2 pursuing counselors. Mr. Gideon pointed out that, although the applicant stated that only adolescents are treated, a published article in the Tulsa Business Journal stated that Shadow Mountain Institute provides psychiatric treatment to persons of any age.

Bill Hunt, 6004 East 62nd Street, Tulsa, Oklahoma, informed that for the first time in 3 years Shadow Mountain Institute has cleaned up the back of their property which abutts his business. Mr. Hunt pointed out that the patients of the Institute will have a direct view into the back yards of the homes in the valley.

Jim Biddick, 5735 East 63rd Place, Tulsa, Oklahoma, voiced a concern that these types of individuals attract others of the same type and does not want these people filtering through the neighborhood.

Virginia Poe, 5808 East 63rd Street, Tulsa, Oklahoma, stated that there are a large number of protestants (approximately 50) in the room and asked those in protest of this application to stand. Ms. Poe stated that there have been numerous police calls in the area since the last meeting of this Board.

Applicant's Rebuttal:

Mr. Dillon pointed out that all of the police calls presented today were made at the request of Shadow Mountain Institute. He stated that the hospital is obligated to contact the police if a child is absent from the hospital more than 1 hour and that the case of rape that was mentioned did not happen on the premises, but was committed against a patient by her father. He stated that one of the boys from the hospital was in the neighborhood with a ball bat, but that he was unaware of the incident at the last meeting. Mr. Dillon informed that a real estate contact stated that, even in the depressed economy, the sale of property in the area has increased and there has been no decrease in property value.

Additional Comments:

Ms. Bradley asked the applicant how much of the 20-acre tract will be in use after all of the construction is completed and Mr. Dillon replied that approximately 14 acres, of the 20 acres, will be utilized.

Ms. Bradley asked Mr. Dillon if any further expansion is planned for the future and he replied that there are no plans for future expansion.

Mr. Poe commented that the minutes from the 1976 meeting reflect that the representative of Shadow Mountain Institute at that time, stated that there would be no plans for further expansion of the facility and no access on the other 3 boundaries.

Mr. Quarles asked Mr. Dillon if the total number of patients at the Institute will be 128 when the consolidation is complete and he answered in the affirmative.

Board Action:

On MOTION of QUARLES the Board voted 2-2-1 (Quarles, White, "aye"; Bradley, Chappelle, "nay"; Smith, "abstaining"; none, "absent") to **APPROVE*** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow for the expansion of an existing hospital and related uses; per plot plan and supporting exhibits; subject to only 28 additional beds being added; subject to a limited access gate for 24 employees being installed on Lakewood; and subject to Stormwater Management approval; on the following described property:

S/2, NE/4, NE/4, of Section 3, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

*Motion failed for lack of 3 affirmative votes.

Case No. 14185

Action Requested:

Special Exception - Section 420 - Accessory Uses In Residential Districts - Request a special exception to allow a home occupation (auto repair shop) in an RS-3 zoned district.

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Request a use variance to permit a garage as the principal use on an RS zoned lot.

Variance - Section 240.3 - Use of Yards In R Districts - Request a variance to permit parking without all-weather surface, located at 4309 South Waco.

Presentation:

The applicant, Robert and Anna Bell Garrison, was represented by Merle Whitebook, 2431 East 51st Street, Suite 200, Tulsa, Oklahoma, who explained that the applicant's property was annexed into the City of Tulsa in 1950, and has been owned by relatives since 1936. Mr. Whitebook informed that the applicant moved on the subject property and began operating a garage in 1953. He noted that the garage is still in existence and asked the Board to allow the use to continue. Mr. Whitebook pointed out that the property to the rear of the subject tract is undeveloped and to the south is residential. He asked that Mr. Garrison be permitted to use his home for an office and to complete a building on the lot next door to be used for the business, as well as the garage and house. Mr. Whitebook asked that his client be allowed to park his vehicles in an area that is not hard surface, as he has been doing since 1953. He noted that there will not be more than 3 or 4 cars on the lot at any given time. He explained that there is no body work done in the garage. Affidavits (Exhibit D-1) stating that the business has been operating at the present location continuously since 1953.

Comments and Questions:

Ms. White asked the applicant how many cars are parked on the subject property at this time and he replied that there are 6 or 7.

Mr. Smith asked the applicant if he is operating a garbage business from the lots and he answered in the affirmative.

Ms. White remarked that the subject property had 12 vehicles parked on the premises when she viewed the tract.

Case No. 14185 (continued)

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses In Residential Districts) to allow a home occupation for an auto repair shop in an RS-3 zoned district; to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted In Residential Districts) to permit a garage as the principal use on an RS zoned lot; and to **DENY** a **Variance** (Section 240.3 - Use of Yards In R Districts) to permit parking without all-weather surface; per Home Occupation Guidelines; finding that the garage has been operating in the neighborhood for many years and has proved to be compatible with the area; but finding that a hardship was not demonstrated that would warrant the granting of the variances requested; on the following described property:

Lots 28 and 29, Block 2, Hilldale Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14191

Action Requested:

Appeal from Building Inspector - Section 750.2 - Location of Sexually Oriented Business, Prohibition - Request an appeal from the decision of the Building Inspector by area residents that permitted a sexually oriented business within 300' of a nonarterial street providing access to a residentially zoned district and within 500' of a church, located at 4807 East 31st Street.

Comments and Questions:

Ms. Bradley asked if the part of the ordinance concerning the location of a sexually oriented business within 300' of a non-arterial street providing access to a residentially zoned area has been recently amended.

Mr. Jackere informed Ms. Bradley that this portion of the ordinance has been deleted as of September 17, 1986.

Presentation:

The applicant, Robert Parker and Associates, was represented by Kenneth Miles, 201 West 5th Street, Tulsa, Oklahoma. He informed that a neighborhood association has been formed with the specific intent of seeing the permit for the Cosmic Kitty revoked. Mr. Miles informed that crime accompanies businesses of this nature and people that are attracted to this type of club will cause problems for the neighborhood. He stated that the property in question can only be accessed from the east and the traffic that will be generated by the business can only add to an already crowded intersection.

Additional Comments:

Mr. Chappelle informed Mr. Miles that the only issue before the Board at this time is whether or not this business is located within 500' of a church.

Mr. Miles replied that if the Building Inspector had properly measured the distance between the Cosmic Kitty and the church, the matter would be coming before the Board as a variance.

Mr. Miles stated that there was never a measurement made on the ground to determine whether the sexually oriented business is 500' from a church. He informed, that according to a survey, the distance from the club to the church is 485'.

Tom Haynes, White Survey Company, stated that he measured the distance from the NW/c of the Cosmic Kitty to the SE/c of the church property to be 485.93'. A letter confirming (Exhibit E-2) the measurements was submitted.

Mr. Jackere asked what is located on the property owned by the Baptist Church and Mr. Haynes replied that it is used as a parking lot.

Mr. Miles informed that the distance from a sexually oriented business to a park would be measured from the boundary line of the park and if this same type of measurement is not used when measuring from a church, more protection would be given to a park than is given to a church.

Mr. Quarles asked if the church property in question is a contiguous part of the property that the church buildings are located on and Mr. Miles replied that it is separated from these buildings by a public thoroughfare.

Mr. Quarles asked Mr. Miles to state the use of the property in question and he replied that the pastor of the church will address that subject.

John Wheeler, pastor for Memorial Baptist Church, 2902 South Yale, Tulsa, Oklahoma, informed that a church is a body of people that, on occasion, meet on the parking lot in question.

Mr. Jackere asked Mr. Wheeler how long the church has owned the subject property and he replied that he has been with the church for 6 1/2 years and it was bought before that time, but is not sure when.

Mr. Jackere inquired if the parking lot has been approved by the Board of Adjustment for church use and Mr. Wheeler stated that it is zoned OL and is under the impression that it has approval.

Mr. Jackere stated that he has been informed by the Building Inspector that a records check reveals that there have been no special exceptions granted or a Zoning Clearance Permit issued for the property in question.

Mr. Jackere informed that the Board must determine if the subject property is being used as a church and if it is being used lawfully as a church.

Mr. Chappelle commented that, in his opinion, the property is being used for church use, but that it is not being used lawfully as a church.

Mr. Miles pointed out that the ordinance does not define the meaning of church. He asked the Board to determine that the property in question is church property and was owned by the church long before the application was made for the sexually oriented business.

Ms. Bradley asked Mr. Gardner where the 500' measurement is made from when measuring these properties and he informed that the measurement is made from building to building. He pointed out that if the building had multiple tenants the measurement would be made from the sexually oriented business or establishment to the church building.

Mr. Miles asked Mr. Gardner where the measurement is made to when a public park is involved and he replied that measurement is made to the boundary line.

Mr. Jackere informed that those present here today are not involved in taking measurements, but that Code Enforcement does the measuring in enforcing the Code and the Building Inspector in administering the Code.

Case No. 14191 (continued)

Mr. Jackere explained that there have been no Zoning Clearance Permits issued on the subject property for church purposes, so as far as the law is concerned there is no church there.

Ms. White commented that, in her opinion, the Board should view the subject tract as an OL piece of property.

Protestants:

There were numerous protestants (approximately 100) present at the meeting and a letter of protest (Exhibit E-1) was submitted.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **UPHOLD** the **Decision** of the Building Inspector; and to **DENY** an **Appeal** from the Building Inspector (Section 750.2 - Location of Sexually Oriented Business, Prohibition) by area residents that permitted a sexually oriented business 500' of a church; finding that that the sexually oriented business was not within 500' of a church, but actually 485' from the property line of a parking lot owned by the church, on which church use has not been permitted by a special exception or a Zoning Clearance Permit; on the following described property:

A tract of land situated in the Southeast Quarter of the Southeast Quarter (SE/4 SE/4) of Section Sixteen (16), Township Nineteen (19) North, Range Thirteen (13) East, Tulsa County, Oklahoma, to-wit: Beginning at a point 50 feet North and 50 feet West of the Southeast corner of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4); thence North 89°59' West 304.68 feet; thence North 0°6' West 190.28 feet; thence in a Southerly direction for a distance of 359.54 feet to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14193

Action Requested:

Variance - Section 1221.3(h) - General Use Conditions for Business Signs - Request a variance to permit permanent advertising flags and banners as an integral part of a sign package (2 signs) to be built in phases in a CBD District, located north of 2nd Street and Main.

Presentation:

The applicant, Deborah Roberson, was not present.

Comments and Questions:

Mr. Jones informed that the applicant requested by letter (Exhibit F-1) that Case No. 14193 be withdrawn.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **WITHDRAW** Case No. 14193.

Case No. 14195

Action Requested:

Variance - Section 930 - Bulk and Area Requirements in Industrial Districts - Request a variance of setback in an IL District abutting an R District from required 75' to 5'.

Special Exception - Section 1225.3(b) - Light Manufacturing and Industry Use Conditions, 250.3 - Modification of the Screening Wall or Fence Requirements - Request a special exception to waive the screening fence requirement, located at 2806 North Sheridan Road.

Presentation:

The applicant, Jerry Snider, 5918 East 31st Street, Tulsa, Oklahoma, stated that the special exception and part of the variance request were approved at the last meeting and that he is before the Board today to determine the screening requirements for the west boundary only of the subject property. He pointed out that the property to the west is zoned RMH, AG and RS-3, with trees along his clients property line. Photographs (Exhibit G-2) and a site plan (Exhibit G-1) were submitted.

Comments and Questions:

Ms. Bradley asked if the property to the west, which is zoned RMH, is vacant and Mr. Snider answered in the affirmative.

Case No. 14195 (continued)

Mr. Jones informed that Mr. Stan Bolding reviewed the application and stated that he is not aware of flooding problems in the area, but if a screening fence is required, it should be raised off the ground approximately 4" to 6" to allow for overland drainage.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 1225.3(b) - Light Manufacturing and Industry Use Conditions, 250.3 - Modification of the Screening Wall or Fence Requirements) to waive the screening fence requirement on the west boundary of the subject property; finding that a natural screen fence of trees and shrubs are growing on the west property line and the granting of the special exception request will not be detrimental to the area; on the following described property:

Lot 4, Block 4, Mohawk Acres Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14198

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1223 - Request a use variance to allow for the storage of new and used automobiles in a RM-2 District (Lot 3 only).

Variance - Section 1223.3 - Warehousing and Wholesaling, Use Conditions - Request a variance of the screening requirement, located west of the SW/c of 10th and Lewis.

Comments and Questions:

Mr. Jones informed that the applicant, Robert Miles, has requested by letter (Exhibit H-1) that Case No. 14198 be continued to October 2, 1986. He noted that the applicant is present and can answer questions concerning the case.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14198 to October 2, 1986.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14204

Action Requested:

Minor Variance - Section 730 Bulk and Area Requirements in Commercial Districts - Request a minor variance to allow a business

Case No. 14204 (continued)

sign 50' from the centerline of Yale avenue instead of the required 60' setback, located south of SW/c of 31st and Yale (4820 East 32nd Street).

Presentation:

The applicant, Jana Ray, 6650 South Lewis, Tulsa, Oklahoma, who submitted a plot plan (Exhibit I-1) and photographs (Exhibit I-2), stated that one of the tenants, Dickie's Fish and Chips, in the Highland Shopping Center has had a business in the shopping center on 2 separate occasions. She informed that in 1969 a sign was installed on the property and remained until the late 1970's when the restaurant left the center. Ms. Ray stated that the restaurant has now returned and asked if the sign can be installed at the previous location instead of 10' inside the parking lot. She pointed out that the sign will align with others along the street and asked the Board to grant the minor variance.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Minor Variance** (Section 730 Bulk and Area Requirements in Commercial Districts) to allow a business sign 50' from the centerline of Yale avenue instead of the required 60' setback; subject to a removal contract being executed; finding that the sign at the previous locations align with other signs along the street and if moved back to the required distance, would be inside the parking area; on the following described property:

North 406' of Block 10, Consay Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14206

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of setback from the centerline of South Norfolk Avenue from required 50' to 47' 6" in an RS-3 District, located on the SW/c of South Norfolk and 16th Street.

Presentation:

The applicant, Douglas Hofer, 1602 South Norfolk, Tulsa, Oklahoma, submitted a site plan (Exhibit X-1) and stated that a single-story sun room is being removed from his 2-story home and replaced with a new addition. Mr. Hofer explained that the sun room had previously been a porch and asked the Board to allow him to extend the new construction 2 1/2' over the required setback.

Case No. 14206 (continued)

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Minor Variance (Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of setback from the centerline of South Norfolk Avenue from required 50' to 47' 6" In an RS-3 District; per plot plan submitted; finding a hardship imposed on the applicant by the corner lot location with major setbacks on 2 streets; on the following described property:

Lots 1 and 2, Block 18, Morningside Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14210

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 the centerline of West 45th Street to 48' to allow for a porch expansion, located east of the SE/c of 40th West Avenue and 45th Street South.

Presentation:

The applicant, Roy King, 5718 South Louisville, Tulsa, Oklahoma, submitted a plot plan (Exhibit J-1) and explained that he is the contractor for the proposed construction, which consists of the extension of a porch and roof, with no enclosures. He pointed out that there are other structures that are as close to the street as the one in question.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "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 the centerline of West 45th Street to 48' to allow for a porch expansion; per plot plan submitted; finding that the granting of the minor variance request will not be detrimental to the area and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 12, Block 2, Allen Faye Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14217

Action Requested:

Minor Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the required setback from the centerline of South Louisville Avenue from 50' to 40' to allow proposed construction, located on the NE/c of East 87th Place South and South Louisville Avenue.

Presentation:

The applicant, Robert Beckstrom, 2227 East Skelly Drive, Tulsa, Oklahoma, and the developer who is selling the lot, was represented by Jon Vrooman, 6138 South Louisville, Tulsa, Oklahoma. He submitted a plot plan (Exhibit K-1) and explained that other lots in the area have been approved for a similar request. Mr. Vrooman pointed out that, due to 2 street setbacks on the corner lot, a very narrow space remains for construction. He stated that the the house will align with the structure to the north.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Minor Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the required setback from the centerline of South Louisville Avenue from 50' to 40' to allow proposed construction; per plot plan submitted; finding a hardship imposed by the corner lot location and 2 street setbacks; on the following described property:

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

Case No. 14218

Action Requested:

Minor Variance - Section 1221.3(f) - General Use Conditions for Business Signs - Request a minor variance of the minimum required setback from the centerline of Admiral Place from 50' to 35' to permit 2 business signs to be installed on a single pole, located SW/c of Louisville and Admiral Place.

Presentation:

The applicant, Louis Abraham, 3606 East 66th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit L-2) and photographs (Exhibit L-1). Mr. Abraham stated that he is representing his father who is requesting to change the two existing signs to a single pole which will be 36' from the centerline, with the property line being 35' from the centerline. He informed that the building was erected many years ago and the sign has very little exposure behind the other signs in the area.

Case No. 14218 (continued)

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Minor Variance** (Section 1221.3(f) - General Use Conditions for Business Signs) of the minimum required setback from the centerline of Admiral Place from 50' to 35' to permit 2 business signs to be installed on a single pole; per sign plan submitted; finding that there are other signs in the area as close to the street as the sign in question; on the following described property:

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

NEW APPLICATIONS

Case No. 14199

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Request a variance to exceed the maximum floor area for accessory buildings from 750 square feet to 4,640 square feet, located NW/c of 13th Street and 143rd East Avenue.

Presentation:

The applicant, Leon Henderson, 1244 South 143rd East Avenue, Tulsa, Oklahoma, asked the Board to permit him to finish construction of a pole barn on his property at the above stated address. He informed that the barn was already framed when he was notified that he would need to acquire a Building Permit. Mr. Henderson stated that he complied with this request, but construction was delayed when Stormwater Management informed him that the property is located in a flood zone. He informed that he was then sited by Code Enforcement and allotted 10 days to remove the building materials and other items from his back yard, but at his request, was given a 30 day extension to complete the cleanup. Mr. Henderson stated that he continued to work on the barn and that it is now 75% complete. He informed that, with Stormwater Management approval, he was able to obtain a Building Permit for the structure, but needs this Boards approval to allow him to finish the project.

Comments and Questions:

Ms. Hubbard informed that the case report reflects that the barn contains 4,640 sq. ft. of floor space and the plans that are in her office call for 6,296 sq. ft.

Mr. Henderson stated that there is an existing 600 sq. ft. building on his property and a barn which is 72' by 52'.

Case No. 14199 (continued)

Ms. Hubbard pointed out that the pole barn contains 3,744 sq. ft., there is an existing 2,288 sq. ft. building and an existing 264 sq. ft. building.

Ms. Bradley asked Mr. Henderson what the building in question will be used for and he informed that he will use the barn for storage and parking his grass mowing equipment.

Protestants:

George Ivan, 14336 East 12th Place, Tulsa, Oklahoma, stated that, in his opinion, an antique business is being started on the subject property. He pointed out that the streets are narrow, the soil does not percolate well, and that Mr. Henderson's lot is covered with old lumber, various signs and old wagons. Mr. Ivan stated that the property is zoned residential and asked the Board to deny the variance request.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions) to exceed the maximum floor area for accessory buildings from 750 square feet to 4,640 square feet; finding that a hardship was not demonstrated by the applicant; and finding that a pole barn, as large as proposed, would not be appropriate for the residential area and would not be in harmony with the spirit and intent of Code and the Comprehensive Plan; on the following described property:

Lot 5, Block 5, Eleventh Street Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14202

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1205 - Request a variance of the required side yard setback from 10' to 5' in RM-1 District to permit a new addition to line up with the existing structure, located at 561 East Ute.

Presentation:

The applicant, William Dews, 561 East Ute Street, Tulsa, Oklahoma, submitted drawings (Exhibit M-1) and stated that he is planning an addition to his house which will align with the old portion. Mr. Dews pointed out that the older house was constructed with a 5' side yard setback.

Case No. 14202 (continued)

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1205) of the required side yard setback from 10' to 5' in RM-1 District to permit a new addition to line up with the existing structure; per plans submitted; finding a hardship imposed on the applicant by the narrow shape of the lot and the fact that the original house was constructed over the side yard setback, as were other houses in the older neighborhood; on the following described property:

Lot 28, Block 1, Meadowbrook Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14203

Action Requested:

Variance - Section 1221.3(h) - General Use Conditions for Business Signs - Use Unit 1214 - Request a variance to permit a promotional business balloon on a daily basis during normal business hours on a permanent basis in and IL zoned district, located at 8177 East 44th Street.

Presentation:

The applicant, Scott Hood, was represented by Jeff Garrison, 1801 North Elm, Owasso, Oklahoma, who asked the Board to allow True Bargain Furniture to fly a balloon at the location of this business. He informed that the building is not visible from Memorial Drive and the balloon, which has been flying for approximately 1 year, aids customers in finding the business. Mr. Garrison pointed out that they have experienced a decrease in traffic on days the weather prevents the flying of the balloon.

Comments and Questions:

Ms. White asked Mr. Garrison to state the size of the balloon and he replied that it is 9' in diameter.

Ms. Bradley inquired as to the height the balloon is flown and the applicant informed that it flies 50' high.

Mr. Smith asked the applicant if the balloon is 50' from the top of the building and he replied that it is 50' from the canopy, which is approximately 5' from the top of the building.

Board Action:

On MOTION of WHITE, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a **Variance** (Section 1221.3(h) - General Use Conditions for Business Signs - Use Unit 1214) to permit a promotional business balloon on a daily basis during normal business

Case No. 14203 (continued)

hours on a permanent basis in and IL zoned district; finding no hardship; on the following described property:

Lots 12 - 17 of Block 1, Corrected Plat of Memorial Industrial Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14205

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205 - Request for a special exception to allow the following improvements of Hunter Park: (a) entry graphics, (b) formal and informal horticultural areas, (c) foot bridge, (d) low water dam, (e) low water crossing, (f) paths, (g) water feature, (h) jogging/walking trail, (i) field play, (j) amphitheater, (k) horseshoe pits, (l) arboretum, (m) playground, (n) pond, (o) tennis courts, (p) basketball courts, (q) soccer fields, (r) softball fields, (s) pavilion, (t) shelters, (u) recreation center, (v) parking (w) asphalt roads with curbs and gutters, (x) restrooms, located east of SE/c of 91st Street and Yale Avenue.

Presentation:

The applicant, Tulsa Parks and Recreation, was represented by Randy Nicholson, who stated that Hunter Park will be an 80-acre tract at the above stated location. He pointed out that the park will be abutted on 3 sides by subdivisions, with the proposed 96th Street Creek Expressway being to the south. Mr. Nicholson explained that the park will be developed during the next 10 or 15 years, with \$600,000 being available at this time. He noted that Mill Creek meanders through the northeast quadrant of the tract and a circular traffic pattern is planned through the northern portion. He stated that a large parking lot will be in the center of the park, with access on 91st Street. A concept plan (Exhibit N-1) was submitted. He explained that Phase 1 of the development will take place during the next 2 to 3 years.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1205) to allow the following improvements of Hunter Park: (a) entry graphics, (b) formal and informal horticultural areas, (c) foot bridge, (d) low water dam, (e) low water crossing, (f) paths, (g) water feature, (h) jogging or walking trail, (i) field play, (j) amphitheater, (k) horseshoe pits, (l) arboretum, (m) playground, (n) pond, (o) tennis courts, (p) basketball courts, (q) soccer fields, (r) softball fields, (s) pavilion, (t) shelters,

Case No. 14205 (continued)

(u) recreation center, (v) parking (w) asphalt roads with curbs and gutters, (x) restrooms; per plan submitted; subject to Stormwater Management approval; on the following described property:

W/2 of the NE/4 of Section 22, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14207

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1214/1215 - Request a special exception to allow a dry cleaning/laundry in a CS zoned district.

Variance - Section 1215.2 - Other Trades and Services, Included Uses - Request a variance of the size of laundromat from 1,500 sq. ft. to 2,600 sq. ft., located SE/c 61st Street and 33rd West Avenue.

Presentation:

The applicant, Sam Allen, who was represented by Arthur Richie, 1516 South Boston, Tulsa, Oklahoma, pointed out that the case report reflects that a variance of the size of a laundromat from 1,500 sq. ft. to 2,600 sq. ft. is requested, but the actual size of the laundromat will be 1,008 sq. ft. Mr. Richie asked the Board to allow the operation of a dry cleaning facility in Sunwest Highlands Shopping Center, which is located in CS District. He informed that the business will have a dry cleaning machine and a turbo cabinet and both pieces of equipment are self-contained.

Comments and Questions:

Mr. Jones pointed out that the Zoning Code will soon be amended and therefore the variance will not be needed.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1214/1215) to allow a dry cleaning/laundry in a CS zoned district; and to **WITHDRAW** a **Variance** - Section 1215.2 - Other Trades and Services, Included Uses - Request a variance of the size of laundromat from 1,500 sq. ft. to 2,600 sq. ft.; finding that a dry cleaning business will be compatible with the area and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 1, Block 1, Sunwest Highlands Plaza Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14208

Action Requested:

Special Exception - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1208 - Request a special exception to allow a community group home (7 mildly mentally handicapped adults) in an AG zoned district, located south of the SW/c of Elwood Avenue and 81st Street South.

Presentation:

The applicant, Deborah Karns, P.O. Box 35903, Tulsa, Oklahoma, stated that she is Executive Director of Home Life Association for the Handicapped. She informed that this is a non-profit corporation which establishes group homes for mentally retarded adults. One (1) neighborhood group home and one (1) community group home are in operation at this time. Ms. Karns stated that a permanent residence and continual supervision is provided to these individuals, who work and train away from the home. She informed that she is before the Board today to request permission to move a community group home, consisting of 7 mentally retarded male adults, to a home at the above stated location (8228 South Elwood). Ms. Karns stated that the corporation is attempting to purchase the subject property. She stated that an open house was held for the neighbors and that there has been no opposition to the group home. Ms. Karns informed that there will be no exterior remodeling or paving done on the property.

Comments and Questions:

Mr. Quarles inquired as to the number of staff employed to care for the people and Ms. Karns replied that 2 people are on duty during the week and 1 person on the weekend.

Ms. White asked if the residents of the group home are employed and the applicant answered that they are either employed, or are in workshops and job training.

Ms. Bradley inquired as to the type of transportation provided for these individuals and Ms. Karns replied that only limited transportation is needed since there is a workshop for the residents located within walking distance.

Protestants: None.

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Special Exception (Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1208) to allow a community group home (7 mildly mentally handicapped adults) in an AG zoned district; finding that the granting of the special exception request will not be detrimental to the neighborhood and will be in

Case No. 14208 (continued)

harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

The east 659.13 feet of the south 447.33 feet of the North Half (N/2) of the Northeast Quarter (NE/4), LESS the east 659.13 feet of the south 313.07 feet thereof, in Section 14, T-18-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, containing 1.92 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14209

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a children's nursery in an RM-1 District, located NE/c of South Phoenix Avenue and West 22nd Street South.

Presentation:

The applicant, Linda Broadhurst, 2139 South Phoenix, Tulsa, Oklahoma, stated that she is planning a child care operation in the church and asked the Board to grant the special exception.

Comments and Questions:

Ms. Bradley asked the applicant to state the days and hours of operation and she replied that the nursery will be open Monday through Friday, 6 a.m. to 6 p.m.

Ms. Bradley inquired as to the number of children the nursery will serve and Ms. Broadhurst informed that 30 children are planned for at this time, with a maximum of 70 being allowed by the Department of Human Services.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a children's nursery in an RM-1 District; subject to days and hours of operation being, Monday through Friday, 6 a.m. to 6 p.m.; finding that a children's nursery will be compatible with the neighborhood and the special exception request is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 14209 (continued)

Lots 25 - 29, Block 34, Amended Plat of West Tulsa, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14211

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-2 District.

Variance - Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements - Request a variance to waive the one year time limitation.

Variance - Section 208 - One Single-Family Dwelling per Lot of Record - Request a variance to allow 2 dwellings (mobile home and conventional residence) on one lot of record, located at 2135 South 130th East Avenue.

Presentation:

The applicant, Jana Bleau, 1351 Oak Road, Catoosa, Oklahoma, stated that her husband has been diagnosed as having cancer and asked the Board to allow her to move a mobile home on her parents property. She informed that they will be able to assist her during her husbands terminal illness. Ms. Bleau informed that the mobile home will be approximately 200' from the nearest residence. Photographs were submitted (Exhibit P-1).

Comments and Questions:

Ms. Bradley asked the applicant if there is a mobile home on the property in question and she replied that there is not; however, mobile homes have been there in the past.

Mr. Smith asked where the entry to the property is located and Ms. Jack Silver, 2135 South 130th, Tulsa, Oklahoma, replied that the entrance is on 130th Street.

Ward Miller, Stormwater Management, 707 South Houston, Tulsa, Oklahoma, stated that the southern portion of the subject property is in the flood plain and a site plan will have to be reviewed by his office and a Class A Watershed Development Permit acquired.

Ms. Silver commented that the water does not get near the proposed location for the mobile home.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential districts - Use Unit 1209) to allow a

Case No. 14211 (continued)

mobile home in an RS-2 District; to **APPROVE** a Variance (Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements) to allow the mobile home to remain on the subject tract for a period of 3 years only; and to **APPROVE** a Variance (Section 208 - One Single-Family Dwelling per Lot of Record) to allow 2 dwellings (mobile home and conventional residence) on one lot of record; finding a hardship demonstrated by the size of the lot and the fact that there have been other mobile homes on the subject tract prior to this time; and finding that the granting of the requests will not be injurious 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:

A certain tract of land lying in the N/2 of the NW/4 of Section 16, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning 635.654' south and 684.769' east of the northwest corner of Section 16; thence east 304.885'; thence north 305.304'; thence west 304.89'; thence South 305.327' to the point of beginning, according to the U.S. Government Survey thereof, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14212

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the allowed 750 sq. ft. for a detached accessory building to 1,080 sq. ft. to permit a 30' by 36' building, located at 2052 East 13th Street.

Presentation:

The applicant, John Raney, 2052 east 13th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit R-1) and a plat of survey (Exhibit R-2). He stated that he is proposing to tear down the existing garage and replace it with a larger one. He asked the Board to permit him to construct a 30' by 30' garage on his property and not a 30' by 36' garage as the case report reflects.

Comments and Questions:

Ms. White asked the applicant what the garage will be used for and he replied that he will use it for a garage and also have a place to work on antique cars.

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a Variance (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the allowed 750 sq. ft. for a

Case No. 14212 (continued)

detached accessory building to 900 sq. ft. (a 30' by 30' building); per plot plan submitted; finding a hardship demonstrated by the narrow shape of the lot and the location of the property in an older neighborhood; on the following described property:

Lot 9, Block 12, Resubdivision Terrace Drive Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14213

Action Requested:

Variance - Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214 - Request a variance of setback from the centerline of South Sheridan Avenue from required 100' to 83' in a CS District to allow for proposed building, located on the NW/c of 61st Street and Sheridan Avenue.

Presentation:

The applicant, Charles Wilbanks, 2211 East Skelly Drive, Tulsa, Oklahoma, submitted a plot plan (Exhibit S-1) and stated that he is the architect for Crown Properties, owners of Park Plaza Shopping Center. Mr. Wilbanks informed that he is asking for a variance of the west setback from Sheridan Avenue to allow for the construction of a 4,500 sq. ft. commercial facility. He informed that the property abutts a retaining wall which varies from 5' to 12' in height as it traverses to the west. The applicant informed that the center was granted a similar setback variance in 1984.

Comments and Questions:

Ms. Bradley asked the applicant if the proposed facility will protrude farther toward the street than the canopy of the service station next door and Mr. Wilbanks replied that it will not.

Board Action:

On MOTION of QUARLES, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; none, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1214) of setback from the centerline of south Sheridan Avenue from required 100' to 83' in a CS District to allow for proposed building; per plot plan submitted; finding a hardship imposed on the applicant by the topography of the land and the fact that there are other structures as close to the street as the proposed building; on the following described property:

All that part of Lot 1, Park Plaza Center Extended, an Addition in Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof, more particularly described as follows, to-wit:

TRACT 1

Beginning at a point in the east boundary of said Park Plaza Center Extended (west right-of-way line of South Sheridan Avenue), 60.00 feet from the northeast corner thereof; thence S 00°10'30" E along the east boundary of said Lot 1, Park Plaza Center Extended and Lot 1, Park Plaza Center, a distance of 400.05 feet; thence S 89°49'30" W a distance of 412.00 feet; thence N 00°10'30" W a distance of 388.06 feet; thence N 58°49'30" E along the northerly boundary of said Lot 1, Park Plaza Center Extended (southerly right-of-way line East 60th Street South), a distance of 25.59 feet; thence Due East a distance of 390.06 feet to the point of beginning; containing 164,935 square feet or 3.7864 acres.

All that part of Lot 1, Park Plaza Center, an Addition in Tulsa, Tulsa County, Oklahoma according to the official recorded plat thereof; more particularly described as follows, to-wit:

TRACT 2

Beginning at a point in the east boundary of said Lot 1, Park Plaza Center (west right-of-way of South Sheridan Avenue) 155.17 feet from the northeast corner thereof; thence S 00°10'30" E along the east boundary of said Lot 1, a distance of 260.15 feet to a point 194.55 feet from the southeast corner of said Park Plaza Center; thence Due West parallel to and 194.55 feet from the south boundary of said Park Plaza Center a distance of 426.00 feet; thence N 00°10'30" W a distance of 258.85 feet; thence N 89°49'30" E a distance of 426.00 feet to the point of beginning; containing 110,546 square feet or 2.5378 acres.

TRACT 3

Beginning at a point in the south boundary of said Park Plaza Center 150.00 feet from the southeast corner thereof; thence Due West along the south boundary of Park Plaza Center (north right-of-way line of East 61st Street South), a distance of 660.67 feet to a point 130.00 feet from the southwest corner thereof; thence N 00°09'15" W parallel to and 130.00 feet from the west boundary of said Park Plaza Center a distance of 302.00 feet; thence Due East a distance of 384.56 feet; thence S 00°10'30" E a distance of 107.45 feet to a point

Case No. 14213 (continued)

194.55 feet from the south boundary of said Park Plaza Center; thence Due East parallel to and 194.55 feet from the south boundary of said Park Plaza Center a distance of 426.00 feet to a point in the east boundary of said Park Plaza Center, 415.32 feet from the northeast corner thereof; thence S 00°10'30" E along the east boundary of said Park Plaza Center (west right-of-way line of South Sheridan Avenue) a distance of 44.55 feet to a point 150.00 feet from the southeast corner of said Park Plaza Center; thence Due West along the common boundary of Lots 1 and 2, Park Plaza Center, a distance of 150.00 feet; thence S 00°10'30" E a distance of 150.00 feet to the point of beginning; containing 176,531 square feet or 4.0526 acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14214

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1225 - Request a special exception to allow existing automotive painting in a CH District.

Variance - Section 1225.3 - Light Manufacturing and Industry, Use Conditions - Request a variance to waive the screening requirement along lot line in common with an R District, located at 3508 East Admiral Place.

Presentation:

The applicant, Phillip E. Roberts, 3508 East Admiral Place, Tulsa, Oklahoma, stated that the car painting business has been in existence at this location for approximately 40 years. Mr. Roberts explained that when he applied for a Building Permit to install a new spray booth, it was discovered that the lot was not properly zoned for the painting of cars. He asked the Board to allow him to paint cars at the above stated location and to waive the fence requirement for the rear of the property. The applicant pointed out that this property is used for a church parking lot and that the 3' space between the building and the fence would provide a secluded place for vandals to hide. A plot plan (Exhibit T-1) was submitted.

Comments and Questions:

Ms. White asked if the new paint booth will be placed inside the existing building and Mr. Roberts answered in the affirmative.

Protestants: None.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1225) to allow

Case No. 14214 (continued)

existing automotive painting in a CH District; and to **APPROVE** a **Variance** (Section 1225.3 - Light Manufacturing and Industry, Use Conditions) to waive the screening requirement along lot line in common with an R District; per plot plan; finding that the garage has been operating at the present location for many years and has proved to be compatible with the area; and finding that the residential zoned district that abutts the subject tract is actually a church parking lot, with no residences along that property line; on the following described property:

Lots 3 - 5, Block 2, Walnut Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14215

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the maximum 750 sq. ft. for a detached accessory building to 1,632 sq. ft. for a 2-story building for garage and storage use, located on the SE/c of 37th West Avenue and Edison Street.

Presentation:

The applicant, Kirby Counce, 3600 West Edison, Tulsa, Oklahoma, explained to the Board that he lives in a wooded area and has been burglarized 4 times during the past 4 years and has had his car stolen from the driveway. He stated that the garage on the property is very small and that he is proposing to demolish the existing one and construct a larger more secure structure.

Comments and Questions:

Ms. Bradley asked the applicant why he is planning a 2-story garage and he informed that he needs the upstairs space for storage. He pointed out that he intends to build a garage large enough to park a tractor, brush hog and his cars.

Ward Miller, Stormwater Management, stated that a small portion of the subject tract is in the floodplain and a Watershed Development Permit will be required.

Mr. Smith inquired as to the location of the garage on the property and Mr. Counce replied that it will be to the west and slightly south of the existing house.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 240.2(e) - Permitted Yard

Case No. 14215 (continued)

Obstructions - Use Unit 1206) of the maximum 750 sq. ft. for a detached accessory building to 1,632 sq. ft. for a 2-story building for garage and storage use only (no dwelling or business); subject to Stormwater Management approval; finding a hardship demonstrated by the large size of the lot; and finding that the granting of the variance request 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:

W/2, NW/4 of W/2 of Lot 1 in the NE/4, NE/4, Section 4, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14216

Action Requested:

Appeal and/or Interpretation - Section 1650 - Appeal from the Building Inspector/Section 1660 - Interpretation - An appeal from the decision of the Building Inspector denying a permit for an attached drive-in bank facility which is a customary accessory use incidental to the principal land use and request for an interpretation of Section 610 of the Zoning Code pertaining to drive-in banks, and if appeal denied;

Special Exception - Section 610 - Principal Uses Permitted in Office District - Use Unit 1211 - Request a special exception to permit a drive-in bank in an OL District, located at 6660 South Sheridan Road.

Presentation:

The applicant John Moody, requested by letter (Exhibit U-1) that Case No. 14216 be continued until October 2, 1986.

Board Action:

On MOTION of BRADLEY, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to CONTINUE Case No. 14216 until October 2, 1986.

Case No. 14219

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Use Units 1219 and 1220 - Request a use variance to permit the operation of a private recreation facility to include the existing outdoor pool with associated facilities, picnic area and parking, and a proposed building to house video games, concessions and pool tables, located at 603 East 55th Street North.

Presentation:

The applicant, Floyd C. Harris, 3714 North Hartford, Tulsa, Oklahoma, who submitted a drawing (Exhibit V-1) and photographs (Exhibit V-2), stated that the property in question was the old Valley View Park. He informed that he has purchased the property and asked permission to construct a building to house video games, concessions, and pool tables. Mr. Harris informed that an outdoor pool is located on the tract.

Comments and Questions:

Mr. Smith inquired if a life guard is on duty at the swimming pool and if a fence has been installed, and Mr. Harris answered in the affirmative.

Ms. White asked the applicant to state the days and hours of operation and he informed that the pool is open from 12 p.m. to 9 a.m., 7 days each week, May through September.

Ms. White inquired if the proposed building will be open all year and he answered that it will be open every day.

Mr. Quarles asked the applicant how large the new facility will be and he replied that it will be 24' by 24'.

Protestants:

Don Brown, 619 East 50th Street North, Tulsa, Oklahoma, stated that he lives in the area and that the neighbors have been bothered with loud music, late hours and vulgar language. Mr. Brown informed that the parking is not sufficient for the existing facility and asked the Board to deny the request.

Mildred O'Neal, 604 East 55th Street North, Tulsa, Oklahoma, stated that she is not opposed to the children, but is concerned that the video games will attract undesirable characters to the area.

Doris Hooks, 615 East 55th Place North, Tulsa, Oklahoma, who stated that she has lived in the neighborhood for 18 years, voiced an objection to the loud music that is played on the property, and stated that she feels the addition of the proposed facility will further add to the deterioration of the area.

Ms. White asked Ms. Hooks if she is opposed to the continued operation of the pool during the summer months and she replied that she is not opposed to the pool, but does not like the loud music which is played late into the night.

Ms. Bradley asked how late the pool is open and Mr. Harris informed that some teen-age parties have been held until 12 a.m. and some adult parties have continued until 1 a.m.

Case No. 14219 (continued)

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **DENY** a **Use Variance** (Section 410 - Principal Uses Permitted in Residential Districts - Use Units 1219 and 1220) to permit the operation of a private recreation facility to include a proposed building to house video games, concessions and pool tables; finding that the a year around operation of the facility would not be compatible with the neighborhood and the request violates the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 23 - 26, Block 53, Valley View Acres Third Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14220

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a food and clothing distribution center, bus parking, counseling and other related uses customarily incidental to church activities.

Variance - Section 440.7(d) - Special Exception Uses in Residential Districts, Requirements - Request a variance of the required setback abutting an R District from 25' to 20' for proposed special exception use, located on the SW/c of Quincy Avenue and 55th Street South.

Presentation:

The applicant, Ronald O'Dell, 5345 South Peoria, Tulsa, Oklahoma, who submitted a brochure (Exhibit W-2) explaining the storehouse ministry, stated that he is the chairman of the storehouse of the Evangelistic Temple Ministry. Mr. O'Dell informed that the ministry assists many needy individuals and asked the Board to allow the construction of a clothing distribution center on a portion of church property that is now used for parking. He stated that the facility will be open on Saturdays from 9 a.m. until 1 p.m.

Comments and Questions:

Ms. Bradley asked the applicant if the storehouse will be operated only on Saturday and Mr. O'Dell answered in the affirmative.

Mr. Quarles inquired as to what type of building is proposed and the applicant informed that it will be a steel building (80' by 100') with brick veneer which will match the exterior of the existing buildings on the property.

Protestants:

Mr. Chappelle informed that the Board has received a letter of protest (Exhibit W-1) which states that the storehouse will create a traffic problem in the neighborhood.

Peggy Letzkus, 5505 South Quincy, Tulsa, Oklahoma, stated that she owns the duplex to the east of the storehouse location and the letter of protest was from her tenant who intends to move if this application is approved. She pointed out that, in her opinion, her ability to get substantial tenants will be greatly reduced if the warehouse is constructed on the church parking lot. Photographs (Exhibit W-3) were submitted.

Annette Bryant, 5520 South Quincy, Tulsa, Oklahoma, stated that there will be truck deliveries in and out of the parking lot and feels that this is not a good location for such a facility.

William Bryant, 5520 South Quincy, Tulsa, Oklahoma, remarked that he believes that his property will be devaluated if the request is approved. He further stated that the church is going to deplete its parking area if construction is continued on the property.

Applicant's Rebuttal:

Mr. O'Dell informed that the church has purchased surrounding properties and will add to the parking as the need arises. He stated that a portion of the parking spaces have been used by a recent addition to the church.

Board Action:

On MOTION of WHITE, the Board voted 3-2-0 (Chappelle, Smith, White, "aye"; Bradley, Quarles, "nay"; no "abstentions"; none, "absent") to **DENY** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a food and clothing distribution center, bus parking, counseling and other related uses customarily incidental to church activities; and to **DENY** a **Variance** - Section 440.7(d) (Special Exception Uses in Residential Districts, Requirements) of the required setback abutting an R District from 25' to 20' for proposed special exception use; finding that a clothing and food distribution center is not compatible with the residential neighborhood and the granting of the requests would not be in harmony with the Code and the Comprehensive Plan; on the following described property:

Lots 5 and 6, Block 6, J.E. Nichols Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14221

Action Requested:

Variance - Section 1212.4/1214.4 - Off-Street Parking and Loading Requirements - Use Unit 1212/1214 - Request a variance of the required number of parking spaces in a CS District, located on the SE/c of East 61st Street and South Memorial Drive.

Presentation:

The applicant, John Moody, requested by letter (Exhibit Y-1) that Case No. 14221 be continued to October 2, 1986.

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **CONTINUE** Case No. 14221 until October 2, 1986.

Case No. 14222

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1202 - Request a special exception to allow a bus station (no vehicle maintenance) in a CS District, located on the SW/c of 11th Street and Mingo Valley Expressway.

Presentation:

The applicant, Roy Hinkle, 1515 East 71st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit Z-1) and stated that the Greyhound Bus Company is planning to operate a station in the Guaranty Bank Building at the above stated location. He informed that the building contains 4,500 sq. ft. of floor space and will have 5 bus stalls, with no vehicle maintenance being done on the premises. Mr. Hinkle stated that Crow Brothers Toyota is to the east of the subject tract. He explained that the buses will enter from 11th Street and will load and unload on the east of the building and pass behind the building and back to 11th Street. He informed that the property behind the building belongs to the City of Tulsa and is used by the Police Department.

Protestants:

Raymond Bennett, 10125 East 12th Street, Tulsa, Oklahoma, stated that he lives behind the subject property and that his wife was a protestant when the Toyota dealership started to operate on the property and was told that the lighting would be directed away from their home and the doors would be located on the side of the building away from the residences. He informed that these requirements were not adhered to, but he is before the Board today to try again to protect the neighborhood. Mr. Bennett stated that he is mainly concerned with the fumes from buses that are left running while they are waiting to leave the station.

Case No. 14222 (continued)

Ms. Bradley's motion for denial died for lack of a second.

Comments and Questions:

Mr. Smith Inquired if the engines in the buses can be shut off and Gary Magnuson, Sales Manager for Greyhound, Dallas, Texas, stated that it is company policy, in normal weather conditions, for the drivers to shut the engines off. He noted that this policy can be enforced in Tulsa.

Mr. Smith asked Mr. Magnuson if he can require that the engines on the busses be turned off and he answered in the affirmative.

Board Action:

On MOTION of SMITH, the Board voted 4-1-0 (Chappelle, Quarles, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; none, "absent") to APPROVE a Special Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1202) to allow a bus station (no vehicle maintenance) in a CS District; per plot plan submitted; subject to bus engines being turned off when parked at the bus station; finding that the bus station will be compatible with the CS District; on the following described property:

A tract of land lying in the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section 7, Township 19 North, Range 14 East of the Indian Base and Meridian, according to the U.S. Government Survey thereof, in the City of Tulsa, Tulsa County, more particularly described as follows:

Commencing at a point lying 50.00 feet East and 265.00 feet South of the Northwest corner of said NE/4 NW/4; thence S 00°00'29" E and parallel to the West line thereof a distance of 185.00 feet to a point on the most Northerly line of Crescent Heights Addition according to the recorded plat thereof; thence S 89°49'29" E along said most Northerly line a distance of 599.06 feet to a point; thence N 00°10'31" E a distance of 161.94 feet to the point of Beginning; thence N 89°50'45" W a distance of 256.20 feet to a point; thence N 00°05'28" E a distance of 164.10 feet to a point of curve; thence along said curve to the left, said curve having a radius of 30.00 feet, a central angle of 33°35'03", a distance of 17.58 feet to a point of tangent; thence N 33°29'35" W a distance of 33.00 feet to a point; thence N 00°10'31" E a distance of 15.00 feet to a point lying 370.53 feet East of the West line of said NE/4 NW/4 and lying 65.00 feet South of the North line of said NE/4 NW/4; thence S 89°49'29" E and parallel to said North line a distance of 396.58 feet to a point; thence S 00°10'31" W a distance of 223.01 feet to a point; thence N 89°50'45" W a distance of 116.81 feet to the Point of Beginning, containing 1.9287 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14223

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a church in an RS-3 District (pending abandonment of PUD 395), located 83rd Street and West of Harvard.

Presentation:

The applicant, Adrian Smith, was represented by Phillip Smith, Hammond Engineering, 5157 East 51st Street, Tulsa, Oklahoma, who stated that there is a very old church building on the subject property which will be refurbished. He informed that 84th Street will not be opened to Harvard and that all traffic will enter the lot from Harvard. Mr. Smith stated that the church facility will be made comparable to the surrounding buildings. A site plan (Exhibit AA-1) was submitted.

Protestants:

John Dismukes, 3106 East 84th Street, Tulsa, Oklahoma, represented the Walnut Creek V Homeowners Association, and informed that the neighborhood is not opposed to a church in the area, but the current building is in bad repair. He asked that, if the application is approved, that a cedar fence be installed on the south and west, with no gate, walk through or drive through being made from the church to the residential area. Mr. Dismukes pointed out that this would eliminate parking in the neighborhood during church services. He also asked that 84th Street not be extended to Harvard. It was pointed out by Mr. Dismukes that the residents of the area are concerned with the tall weeds that are growing on the subject property. Photographs (Exhibit AA-2) were submitted.

Applicant's Rebuttal:

Mr. Smith informed that he is not opposed to any of the conditions suggested by Mr. Dismukes.

Board Action:

On MOTION of BRADLEY, the Board voted 4-0-1 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; Smith, "abstaining"; none, "absent") to **APPROVE** a Special Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205) to allow a church in an RS-3 District (pending abandonment of PUD 395); subject to abandonment of the PUD; subject to a 6' cedar fence being installed on the south and west property lines; subject to no extension of 84th Street to Harvard; and subject to Stormwater Management approval; on the following described property:

Minutes amended 10-2-86 to restrict vehicular and pedestrian access to the subject property protected by fences on the south and west.

Beginning at the Northeast corner of the SE/4 of the NE/4 of Section 17, T-18-N, R-13-E, Tulsa County, State of Oklahoma; thence Due South along the East line thereof a distance of 369.24 feet to a point; thence N 89°07'54" W a distance of 213.02 feet to a point, said point being in the Easterly lot

Case No. 14223 (continued)

line of Lot 1, Block 2, Walnut Creek V, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence Due North a distance of 264.75 feet; thence S 89°47'39" W a distance of 221.00 feet; thence Due North 100.50 feet to a point on the North line of the SE/4 of the NE/4 of said Section 17; thence N 89°47'39" E along the North line of the SE/4 of the NE/4 a distance of 434.00 feet to the POINT OF BEGINNING, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14224

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1206 - Request a special exception to permit a home occupation (auto repair) in an RS-3 District, located on the NE/c of Frankfort Avenue and Latimer Place.

Presentation:

The applicant, Harold Reed, 501 East Latimer Place, Tulsa, Oklahoma, stated that he has health problems and is not able to work on a full time basis. He informed that he has an air compressor which is contained inside the garage and cannot be heard outside. Mr. Reed asked the Board to allow him to continue to repair automobiles at his home.

Comments and Questions:

Ms. Bradley asked if the repairs are made in the garage and if it is attached to his house. Mr. Reed informed that the garage sets behind his house with ingress and egress from Frankfort Street.

Mr. Jackere asked if all of the automobile repair is done inside the garage and the applicant stated that occasionally work is done on the driveway which is concealed by a wooden fence with closed gates.

Ms. Bradley asked the applicant how many cars he stores on his lot and he replied that he sometimes has 3 cars parked on a hard surface area.

Protestants:

A letter of protest (Exhibit BB-1) was received from Tulsa Development Authority, which stated that the garage will have a severe adverse impact on the neighborhood.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1206) to permit a home occupation (auto repair) in an RS-3 District; subject to Home Occupation Guidelines; subject to hours of operation being, Monday through Friday, 8 a.m. to 5:30 p.m. and Saturday, 9 a.m. to 12 p.m.; subject to all work being done inside the garage; and no outside

Case No. 14224 (continued)

storage of parts or any form of junk; on the following described property:

South 80' of Lot 13, and the North 50' of Lot 13, Block 14, Greenwood Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14225

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance on Tracts A, C, and D from the required 25' rear yard setback to 20' on each and from the required front yard setback per plot plan for each, located 57th Street and Birmingham Avenue.

Presentation:

The applicant, Harold Patrick, 4129 South Peoria, Tulsa, Oklahoma, submitted a plot plan (Exhibit CC-1) and stated that he is before the Board to clarify front yard and rear yard setbacks on property at the above stated location, which has been approved by the Board at an earlier date. He informed that the subject property was subdivided into 3 lots, but due to the irregular shape of the lots, Ms. Hubbard has asked that the site plan be approved by the Board.

Comments and Questions:

Ward Miller stated that a Watershed Development Permit will be required for the tracts since the property contains a water course that drains 5 acres or more.

Protestants: None.

Board Action:

On MOTION of QUARLES, the Board voted 5-0-0 (Bradley, Chappelle, Quarles, Smith, White, "aye"; no "nays"; no "abstentions"; none, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) on Tracts A, C, and D from the required 25' rear yard setback to 20' on each and from the required front yard setback per plot plan for each; subject to Watershed Development Permit; finding a hardship imposed on the applicant by the unusual shape of the lots; on the following described property:

Case No. 14225 (continued)

A part of Lot 4, Block 2, and a part of Lots 1 and 2, Block 7,
Tracts A, C, and D, Southern Hills Manor Amended, City of
Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 6:55 p.m.

Date Approved 10.2.86


Chairman

