

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 493
Thursday, June 25, 1987, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 23, 1987, at 4:10 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:

Mr. Johnsen stated that he has reviewed the minutes for Case No. 14491 and asked the the Board to allow a revision of the last sentence of the applicant's rebuttal. He asked that the sentence state that permitted signage will be installed on the property in question, and not only two signs for the tract, as the minutes reflect. Mr. Johnsen pointed out that he had not intended to limit the signage for the 6 acre parcel, and asked that his client be able to install the amount permitted by the Code.

On **MOTION** of **QUARLES**, the Board voted 3-0-1 (Bradley, Quarles, White, "aye"; no "nays"; Chappelle, "abstaining"; Smith, "absent") to **APPROVE** the Minutes of June 11, 1987, as corrected.

Election of Officers

In answer to questions from the Board, Mr. Jones informed that the Rules of Procedure states that a City Board of Adjustment Chairman can hold office for two full one-year terms only.

Mr. Quarles remarked that he is pleased with Mr. Chappelle as Chairman, and asked if the policy can be amended to allow Mr. Chappelle to remain Chairman.

Mr. Jackere informed that the Rules of Procedure can be amended, but is required to be placed on the agenda. He pointed out that, if required, the matter will have to be approved by the City Commission.

Election of Officers (continued)

Ms. White remarked that Mr. Smith had requested a continuance in order that the entire Board could be present for the election.

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** the election of officers to the July 23, 1987 meeting, to consider amending the Rules of Procedure concerning the number of consecutive terms a Chairman of the City Board of Adjustment will be allowed to serve.

UNFINISHED BUSINESS

Case No. 14477

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of East 69th Place South from 55' to 28' to allow for an addition to an existing structure, located SW/c East 69th Place and South Oswego Avenue.

Presentation:

The applicant, Frank Casey, 3140 South Winston, Tulsa, Oklahoma, stated that he has previously appeared before the Board, but was not heard at that time due to the fact that the application was not properly advertised. He informed that there are two other residences on the street that have been granted variances for the same setback. Mr. Casey stated that an addition is proposed to enclose the existing spa.

Comments and Questions:

Mr. Gardner informed that Staff has reviewed the property in question and found that the spa is installed, with a roof in place. He pointed out that the new addition will extend to within 3' of the property line.

Ms. Bradley asked the applicant to state the hardship for this case, and Mr. Casey pointed out that the setback in the area is 55' instead of 50'. He pointed out that the house is located on a corner lot with setbacks from both Oswego and 69th Place.

Ms. Bradley asked if the front of the residence is on Oswego, and Mr. Casey answered in the affirmative.

Ms. White inquired if the two houses that were granted similar variances align with the house in question, and he replied that they do not align with his client's house.

Case No. 14477 (continued)

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of East 69th Place South from 55' to 28' to allow for an addition to an existing structure; finding a hardship demonstrated by the corner lot location and the curvature of the street; on the following described property:

Lot 25, Block 3, Windsor South Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14478

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1227 - Request a special exception to allow for automobile dismantling and/or salvage use in an IM zoned district, located on the north side of 5th Street, west of Charles Page Boulevard.

Comments and Questions:

After the submitting of a letter requesting continuance from Jenna Garland (Exhibit A-1), there was discussion as to whether or not the protestant has had sufficient time to secure legal representation. Ms. Garland informed that the attorney that has been retained for the case has previous commitments and is not available for this meeting. Mr. Quarles, Ms. White and Mr. Chappelle agreed that the protestants have had sufficient time to prepare, and asked to hear the case as scheduled.

Presentation:

The applicant, Richard Ryan, 314 West 32nd Place, Sand Springs, Oklahoma, submitted photographs (Exhibit A-2) and a letter (Exhibit A-4) mailed to property owners in the area. He informed that the Board suggested he make an attempt to meet with the residents of the area, and he stated that 60 or 70 letters were mailed out, notifying those that live in the neighborhood of the meeting. Mr. Ryan informed that the letter explained his intended dismantling operation and only two people attended the meeting. The applicant pointed out that the property is in very bad repair. He explained the business will operate from 9 a.m. to 6 p.m., 6 days each week, and the lot will be well kept. Mr. Ryan advised that he will install a 6' to 8' solid screening fence to separate the business from the surrounding area. He pointed out that he can operate a wrecker service on the property by right.

Case No. 14478 (continued)

Additional Comments:

Ms. White remarked that she visited with a resident of the neighborhood while viewing the subject tract, and was informed by this individual that he did not receive a letter from Mr. Ryan.

In response to Mr. Chappelle's inquiry as to the amount of outside storage, Mr. Ryan replied that various automobile parts will be stored outside the building.

Mr. Quarles asked the applicant to explain the dismantling operation, and Mr. Ryan answered that the cars will be dismantled one at a time with wrenches and air ratchets. He pointed out that there will be no cutting torches used in the process, and the car bodies will be hauled off to another location after the parts have been removed.

Mr. Chappelle informed that the Board has received a letter (Exhibit A-3) from the West O'Main organization, who are opposed to the application.

Protestants:

Lee Everett, Chairman of District 10, informed that the residents of this district are opposed to the dismantling business in their neighborhood. He noted that the applicant does not live in the area, and is not concerned with its welfare. Mr. Everett suggested that Mr. Ryan locate the salvage yard in his own neighborhood. He noted that the residents are concerned that the neighborhood will be invaded by various rodents that usually accompany outside storage of old vehicles.

Ms. White asked Mr. Everett if he called a meeting with the residents of the area, and he stated that he met with approximately 10 members of his group, all of whom opposed the application.

Mr. Jackere asked Mr. Everett if he is aware of all uses that are permitted on the subject property by right, and he answered that he does not know all permitted uses.

Mr. Jackere pointed out that the fact that the applicant does not live in the area has no bearing on this case.

Ms. Bradley stated that, if she lived in the area, she would prefer to live by an industrial operation rather than a junk yard.

Mr. Everett informed that the area residents were just successful in getting one salvage yard removed, and now another is planning to move in the area.

Jenna Garland, 3618 West 4th Street, Tulsa, Oklahoma, stated that she lives approximately 75' down the street from the proposed

Case No. 14478 (continued)

salvage location. She voiced a concern that a screening fence might not be installed after the business is in operation.

Mr. Jackere informed that a fence is required by the Code, which will screen the dismantling operation from the view of the residents.

Mr. Quarles pointed out to Ms. Garland that this Board can place restrictions on the business that will protect the neighborhood.

Ms. Bradley asked Ms. Garland when she received the letter sent out by Mr. Ryan, and she replied that the letter arrived at her home on Saturday, June 20.

Mr. Jackere pointed out that a salvage yard need not be in bad repair and, if inclined to approve the application, the Board can impose specific conditions which will insure a neat operation.

Applicant's Rebuttal:

Mr. Ryan pointed out that he welcomes restrictions on the property. He stated that he is spending a great deal of money to fence the area, and does not want to run a careless operation.

Ms. White asked the applicant if he intends to use only two acres of the 7 acre tract for the dismantling process, and he answered in the affirmative. Mr. Ryan informed that he plans to lease the remaining 5 acres for car storage purposes.

Board Action:

On **MOTION** of **QUARLES** the Board voted 3-1-0 (Chappelle, Quarles, White, "aye"; Bradley, "nay"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1227) to allow for an automobile dismantling use in an IM zoned district; subject to a solid 8' high, board on board, screening fence around the entire 7 acre tract; subject to hours of operation being 9 a.m. to 6 p.m., Monday through Saturday; and subject to stacking of parts being no higher than 6'; on the following described property:

Part of Government Lot 5, beginning 300' east of the NW/c of Government Lot 5, thence south 527.5', northeast 428.5', northeasterly 171.8', northeasterly around a curve to the right 312.8', thence northeasterly 189.41', north 96.36', west 970' to the Point of Beginning, Section 4, T-19-N, R-12-E, 7.09 acres, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14486

Action Requested:

Variance - Section 1221.4 - CS District Use Conditions for Business Signs - Use Unit 1221 - Request a variance of the size of wall and canopy signs, located at 3727 South Memorial Drive.

Presentation:

The applicant, Steve Williams, 505 North Walnut, Broken Arrow, Oklahoma, has asked for continuance until July 23, 1987 through a letter (Exhibit B-1) from his attorney, Mike Hackett. Mr. Jones stated he talked with the applicant and that Mr. Williams is in the process of filing a new sign permit through the Sign Inspector's office that may clear up any need for Board of Adjustment relief.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **Continue** Case No. 14486 until July 23, 1987.

Case No. 14483

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1206 - Request a special exception to allow for a dwelling unit in a CS zoned district, located at 1133 South 120th East Avenue.

Variance - Section 1211.4 - Off-Street Parking Requirements - Use Unit 1211 - Request a variance of parking requirements from 13 to 7 spaces, located at 1133 South 120th East Avenue.

Presentation:

The applicant Bill Gillespie, 1133 South 120th East Avenue, Tulsa, Oklahoma, asked that the case be continued until July 9, 1987. Mr. Jones presented a note (Exhibit C-1) from a telephone conversation with the applicant saying that Mr. Gillespie will be out of town and he would like the case continued until the next Board meeting.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays", no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14483 until July 9, 1987; on the following described property:

That part of the west 200' of the E/2, of the NE/4, of the NE/4, of the NW/4, of Section 8, T-19-N, R-14-E of the Indian Base and Meridian, more particularly described as follows,

Case No. 14483 (continued)

to-wit: Beginning 300' south of the NW/c of above tract, thence south 65'; thence east 200'; thence north 65'; thence west 200' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma, according to the US Government Survey thereof.

Case No. 14491

Action Requested:

Variance - Section 730 - Bulk & Area Requirements in Commercial Districts - Use Unit 1213 - Request a variance of frontage to permit the platting of a property having 249' of frontage into one lot having 70' of frontage another lot having 144' of frontage another lot having 35' of frontage, located at the SE/c of Riverside Drive and 71st Street.

Presentation:

The applicant, Roy Johnson, 324 Main Mall, Tulsa, Oklahoma was present at the meeting.

Protestants:

Mr. Jones presented a letter (Exhibit D-1) to the Board from Joe Westerveld, an interested party, asking that the case be continued until the July 9, 1987 meeting since Mr. Westerfelt is out of town.

Applicant's Rebuttal:

Mr. Johnson had no objections and agreed to the case being continued until the July 23, 1987 meeting. Mr. Johnson asked if there would be a full quorum on July 23rd and the Board replied affirmative.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith "absent") to **CONTINUE** Case No. 14491 to July 23, 1987.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14539

Action Requested:

Variance - Section 410 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a minor variance of the front yard setback from the centerline of South 68th East Avenue from 50' to 40' 10" to allow for an existing dwelling in order to clear title, located at 8521 South 68th East Avenue.

Presentation:

The applicant, Roger Reid, 9808 South Louisville, Tulsa, Oklahoma, presented a plot plan (Exhibit E-1) to the Board.

Case No. 14539 (continued)

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 410 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of the front yard setback from the centerline of South 68th East Avenue from 50' to 49' 10" to allow for an existing dwelling in order to clear title; per plot plan; on the following described property:

Lot 5, Block 4, Huntington Place Addition to the City of Tulsa,
Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14509

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for the sale of automobiles and trucks in a CS zoned district.

Variance - Section 1217.3 - Use Conditions - Use Unit 1217 - Request a variance to allow for open air storage of merchandise within 300' of an R district, located at the SW/c of 11th Street and 101st East Avenue.

Presentation:

Lurene Taylor, the applicant, was represented by David Moody, 8525 East 41st Street, Tulsa, Oklahoma. Lurene Taylor is Mr. Moody's landlady and she has asked him to represent her before the Board since she is out of town. Mr. Moody stated that the location had been used for automobile sales and rental cars before and that there is presently a pickup-camper sales business directly west of the property. Two blocks west is Crow Toyota, a new car dealership.

Comments and Questions:

Mrs. Bradley asked if this property was the house that said Southwest Plumbing and Mr. Moody replied that it was a small permanently tied-in portable building directly east of that house. Mrs. Bradley asked how many cars were to be placed on the lot and Mr. Moody replied between 8 and 12. Mr. Chappelle asked the hours of operation and Mr. Moody answered they would be from 9 a.m. until 6 p.m., six days a week. Mr. Moody stated there would be no mechanic work.

Case No. 14509 (continued)

Board Action:

On **MOTION** of **WHITE** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1217) to allow for the sale of automobiles and trucks in a CS zoned district; and to **APPROVE** a **Variance** (Section 1217.3 - Use Conditions - Use Unit 1217) to allow for open air storage of merchandise within 300' of an R district; per the conditions that the business be in operation 6 days a week from 9 a.m. until 6 p.m. and with a maximum of 12 cars; on the following described property:

Lot 2, Block 1, Arch-Fears Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14510

Action Requested:

Use Variance - Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1209 - Request a use variance to allow for a mobile home in an IM zoned district, located at 2703 East Apache, Tulsa, Oklahoma.

Presentation:

The applicant, F.A. Baldwin, 9810 East 42nd Street, Suite 234, Tulsa, Oklahoma, is the employer of and the agent for the boy who has put the mobile home on the property. The employee did not know a permit was needed in order to place the mobile home on the property. The Inspector informed the employee that he would need a permit in order to place the mobile home on the property and that is when the employee ask Mr. Baldwin to act as his agent in this matter.

Comments and Questions:

Mr. Chappelle ask the applicant if this was for residential purposes and Mr. Baldwin replied yes. Mr. Baldwin stated that his employees wife's grandfather, Mr. Larry Joe Swaggert, owns the property.

Mrs. Bradley asked if there was a house on each side of that mobile home, and Mr. Baldwin replied yes, real small ones. Mrs. Bradley also asked if there were hookups for water and sewer lines. Mr. Baldwin replied yes, and that they would have to get inspection on all that. A small house burned there so the facilities are already there and the applicant stated it was just a matter of getting inspected and hooked up.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White "aye; no "nays"; no "abstentions"; Smith, "absent")

Case No. 14510 (continued)

to APPROVE a Use Variance (Section 910 - Principal Uses Permitted In Industrial Districts - Use Unit 1209) to allow for a mobile home in an IM zoned district; on the following described property:

All that part of the SE/4, SE/4, SW/4, Section 20, T-20-N, R-13-E, south and east of the Atchison, Topeka and Santa Fe Railway Company right-of-way, City of Tulsa, Tulsa County, Oklahoma, according to the Government survey thereof.

Case No. 14511

Action Requested:

Variance - Section 730 - Bulk & Area Requirements In Commercial Districts - Use Unit 1213 - Request a variance of the required frontage from 150' to 55.10' in order to permit a lot split, located at the SE/c of 21st Street and South 125th East Avenue.

Presentation:

The applicant, Kay VanSchoyck, was represented by Joe McCormick, Suite 100, Tulsa Union Depot, Tulsa, Oklahoma. Mr. McCormick handed out a plat of survey (Exhibit F-1) to the Board and stated that at the present time the location is being used for a small office building. One of the tenants in the building has stated that they want to own their own facility; that they want to either buy the facility or they will move elsewhere. A lot split was heard and granted by the TMAPC subject to this variance being approved. Mr. McCormick asks the Board's approval on the three tracts being owned individually.

Comments and Questions:

Mrs. Bradley ask if you would split the one building in order to form 3 tracts. Mr. McCormick replied that they would not actually split the building but would have ownership lines inside the building. Mr. McCormick said there would be party wall agreements to maintain those walls.

Mr. Jackere asked how many signs and what type of ground signs are on the property now. Mr. Jackere said the property is zoned commercial and each lot would be permitted a commercial sign in and of itself whereas now you would be limited to one sign per lot of record or perhaps, depending on the frontage, two signs. Mr. Jackere asked the applicant if he was willing to live with the signs that exist for one tract.

Mrs. Bradley asked if the applicant would be entitled to three signs and Mr. Jackere replied that the applicant would be entitled to one ground sign on each lot. Mr. McCormick said that at the present time they have a single sign on tract B, with some little tenant signs under that sign. The applicant informed that he would prefer

Case No. 14511 (continued)

not to be limited because there would be three ownerships. Mr. McCormick said that since it is a commercial area he did not feel that three separate signs for three separate businesses would create a big problem.

Mr. Jackere said our zoning code now would limit the number of ground signs in relation to the total frontage. Mr. Jackere also stated that when you get into the creation of smaller lots that don't meet the minimum frontage you are allowed a sign as of right. Mr. Jackere stated that Mr. McCormick is now creating three small lots from one large lot and that while the applicant may have been permitted two ground signs for that one large lot now the applicant would be permitted three. Mr. Jackere also stated that the Board has the power to make the condition that it be limited to whatever the signage was before.

Mr. McCormick said that he understood the request but that they were not cutting it down that small and that the applicant would prefer to have the opportunity for each of these businesses to have their own sign. Mr. McCormick stated that a sign could be very important to a business.

Mr. Gardner informed that part of the reasoning for the Planning Commission approving these lot splits that don't meet the frontage requirement is that there is probably a mutual access easement that ties these lots together; that there is no additional driveway cuts and physically you cannot see any change. Mr. Gardner said that Mr. Jackere's point was that you would see a change if you do not condition this request. Mr. Gardner further stated that there are two signs permitted because it has 179' of frontage.

Mr. Quarles said he would be inclined to go along with the lot split, but would not want a proliferation of signs there.

Mr. McCormick ask if they were limited to two signs and if those signs had to have a certain area. Mr. Jackere said yes on the ground signs but that the applicant could always put up a wall sign if he chose. Mr. McCormick said his thought was that if those two signs combined could only fill a certain area, that maybe the applicant could be limited to that area for the three so each of the signs is a little bit smaller.

Ms. Bradley ask if he meant he wanted three smaller signs, and Mr. McCormick said that was what he was thinking now.

Mr. Jackere said that under normal circumstances that would be grounds for a request for a variance. The purpose of the restriction on the number of signs is not to limit the total display surface area but the more signs you have the more clutter you have. Mr. Jackere said that might be a good request to come in later for on a variance. Mr. McCormick said he preferred not to have that restriction but realized the Board had the right and opportunity to

Case No. 14511 (continued)

make whatever restriction they want and that he would live with whatever the Board decided.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions", Smith "absent") to **APPROVE** a **Variance** (Section 730 - Bulk & Area Requirements in Commercial Districts - Use Unit 1213) of the required frontage from 150' to 554.10' in order to permit a lot split; per the restriction that the sign requirements not be increased over what they would have been had the Board not granted the variance (two signs total for the three lots) and per plan; on the following described property:

Lot 2, Block 1, Bob Smittle Addition, Tulsa County, Oklahoma.

Case No. 14512

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required sideyard setback from 5' to 3' to allow for an existing carport, located at 2027 East Xyler Street.

Presentation:

The applicant, LaRue Thompson, 2027 East Xyler, Tulsa, Oklahoma, submitted a plot plan (Exhibit G-1), and asked permission for a carport to remain at the above stated location.

Comments and Questions:

Mr. Quarles ask if the carport was already built and if Mr. Thompson had built the carport or had it built. Mr. Thompson replied that he had had the carport built.

Mr. Quarles ask how long ago the carport was built and Mr. Thompson answered in January.

Ms. Bradley stated that there were other carports in the area and Ms. White noted that there were many bigger than the carport in question.

Paula Hubbard asked if the applicant had extra copies of his survey for the Board members. Mr. Thompson presented his copy of the survey to the Board.

Protestants: None.

Case No. 14512 (continued)

Board Action:

On **MOTION** of **WHITE** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of the required sideyard setback from 5' to 3' to allow for an existing carport, on the following described property:

Lot 11, Block 4, Coots Second Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 14513

Action Requested:

Variance - Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1211 - Request a variance of setback from the centerline of East 37th Street from 50' to 25' to allow for a proposed building, located at the SE/c of 37th Street and Harvard Avenue.

Presentation:

The applicant, Mr. Ralph Jones, Jr., 3227 East 31st Street, Tulsa, Oklahoma 74105, stated that he owns the southeast corner of 37th and Harvard, until recently the site of a Pemco Gas Station. The tenant in that gas station has vacated and Mr. Jones would like to tear the building down and build a retail center there. In 1954 the City came through and implemented a plan to widen Harvard some day. In Mr. Jones block the City only bought his right of way. Mr. Jones stated that there is 20' missing from the front of his tract, making his tract only 117' deep as opposed to 137 1/2' as is all the rest of the block. Mr. Jones said he went to the City to inquire for permission to park on the right of way and was shown how to file a licensing agreement request, which he did. Then Mr. Jones found that while he would be allowed to park on that area he could not use that in meeting the parking requirements for his building. If the City was ever to revoke that license agreement the applicant had to be able to show that he could comply with the code. Mr. Jones found he had to do one of two things; "skinny" the building up or violate the 10' setback against the neighborhood to the rear. Mr. Jones said he has elected to keep the 10' setback and skinny the building up. Mr. Jones said he is requesting a variance from 37th Street.

Comments and Questions:

Mr. Quarles asked to clarify that the request was from 37th Street and not from Harvard. Mr. Jones affirmed.

Mrs. Bradley asked if the fence around the property was the applicants or a neighbors. The applicant replied that he did not

Case No. 14513 (continued)

know who owned the fence since it was built when he was 11 years old. Mrs. Bradley ask if the applicant was required to maintain the fence and Paula Hubbard answered that Mr. Jones would be required to maintain a screen. Mr. Jones said he had already met with the man behind the property and that the applicant would fix the fence.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1211) of setback from the centerline of East 37th Street from 50' to 25' to allow for a proposed building, on the following described property:

Lots 1, 2, and 3, Block 2, Thirty-Sixth Street Suburban, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14514

Action Requested:

Variance - Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1205 - Request a variance of setback from the east property line (rear yard) from 40' to 21' to allow for a building, located at 4319 North Mingo Road.

Presentation:

The applicant, Mingo Baptist Church, was represented by Ray Martin, 7319 East King, Tulsa, Oklahoma. The applicant has purchased a 24' x 68' prefab building from the Tulsa Public Schools that he is trying to have placed on their property. Requirements were listed that must be met in order to meet the City fire codes. All other inspections have been made. A plot plan (Exhibit H-1) was submitted.

Protestants: None.

Board Action:

On **MOTION** from **WHITE** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith "absent") to **APPROVE** a **Variance** (Section 330 - Bulk and Area Requirements In Agriculture Districts - Use Unit 1205) of setback from the east property line (rear yard) from 40' to 21' to allow for a building; per plot plan; located on the following described property:

Begin 100' north and 146' east of the SW/c, NW/4, NW/4, thence east 60', north 230', west 60', south 230' to the point of

Case No. 14514 (continued)

beginning, and beginning 100' north of the SW/c, NW/4, NW/4, thence east 146', north 230', west 146', south 230' to the point of beginning, all in Section 18, T-20-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14515

Action Requested:

Special Exception - Section 440 - Special Exception Uses in Residential Districts - Use Unit 1213 - Request a special exception to allow a home occupation for a beauty shop.

Use Variance - Section 440.2 - Special Exception Uses in Residential Districts - Use Unit 1221 - Request a use variance to allow for an I.D. business sign in an RM-1 zoned district, located at 2442 East Independence.

Presentation:

The applicant, Alice Faye Perkins, was represented by Roy Bates, 6330 North Utica, Tulsa Oklahoma, as a friend and an agent. There is currently a contract on this property to purchase it for a home for Mrs. Perkins and her daughter, Mary. Mrs. Perkins is a widow, is on a limited income and depends on the daughter's income to help with living expenses. Mr. Bates has been helping the applicant find a property that could be used both as a home and to bring in additional income. There are two dwellings on the property that would be ideal for a home and a small beauty shop in the rear. Most of the daughter's business is done by appointment and does not create a traffic problem. There is parking allowed on Independence Street. The yard is elevated 4 to 5 feet there enabling the daughter to place a small identification sign in the yard.

Comments and Questions:

Mrs. Bradley ask if the beauty shop would be in the little building in the rear and Mr. Bates replied yes. Mr. Bates stated that along from Lewis to Birmingham there is mostly commercial and industrial.

Mr. Quarles asked if the daughter was operating a beauty shop in another location at this time and Mr. Bates replied affirmative. Mr. Quarles asked how many chairs were in the shop at this time and Mr. Bates replied two.

Mr. Quarles inquired if the applicant was proposing two chairs and Mr. Bates answered yes, two chairs for one operator. Mr. Bates stated that he understood the stipulation in the requirement reads that it must be a family operated business only, with no employees from the outside.

Mr. Quarles ask how important a sign is to the beauty shop. Mr. Bates replied that a sign was not a must but would be very beneficial to some customers.

Case No. 14515 (continued)

Ms. White pointed out that this property faces two large commercial buildings zoned IM that have signage on them. Ms. White noted that there would also be room for a couple of cars to park on the west.

Ms. Bradley asked where the alley went and Mr. Bates commented that the alley goes into the addition and dead ends. Mrs. Bradley ask if the alley was used and the applicant replied that it was not really a used alley. Mrs. Bradley ask if there could be parking there and Mr. Bates replied yes and that there were two or three places by the alley that could be used for parking.

Board Action:

On **MOTION** of **WHITE** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 440 - Special Exception Uses in Residential Districts - Use Unit 1213) to allow a home occupation for a beauty shop; and to **APPROVE** a **Use Variance** (Section 440.2 - Special Exception Uses in Residential Districts - Use Unit 1221) to allow for an I.D. business sign in an RM-1 zoned district, with a stipulation that the sign be no larger than 2' x 3'; on the following described property:

The south 10' of Lot 1, all of Lot 2, Block 2, Ohio Place Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14516

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 0' in order to permit private access and a lot split, located West of the SW/c of 37th Street and Yorktown Place.

Presentation:

The applicant Mr. Pat Fox, 2622 East 21st, Tulsa, Oklahoma, was not present. Mr. Jones presented a letter (Exhibit J-1) from attorney John Moody, who is representing the interested parties, asking that the case be continued until the July 9, 1987 meeting.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **CONTINUE** Case No. 14516 to July 9, 1987.

Case No. 14517

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS-1 zoned district.

Case No. 14517 (continued)

Variance - Section 440 - Special Exception Uses In Residential Districts - Use Unit 1209 - Request a variance of the time regulation from one year to permanent for proposed mobile home.

Variance - Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209 - Request a variance to allow 2 dwelling units on one lot of record, located at 17904 East 12th.

Presentation:

The applicant, Robert Turner, stated that he owned five acres and wanted to set the trailer on part of the 5 acres for his daughter in order to provide his daughter with a place to live. Mr. Turner presented a photograph (Exhibit K-2) of the trailer and a plat of survey (Exhibit K-1) to the Board.

Comments and Questions:

Mrs. Bradley ask if the trailer was already on the property and hooked up and Mr. Turner replied that it was on the property but was not hooked up or ready to be lived in. Mrs. Bradley ask if the trailer was on a septic tank and the applicant confirmed that it would be. Ricky Jones asked Mr. Turner if he had a percolation test done on this property, and Mr. Turner replied that he had had one done on his property for his house, but not for the property where the trailer would be located.

Mr. Jones told the Board that he had received a message from Terry Silva, City-County Health Department, indicating that a percolation test failed on this subject tract as well as on the subject tracts surrounding the property and that no sewer is available. Mr. Jones further stated that Mr. Silva said this property would not be able to meet City-County Health Department standards.

Mrs. Bradley asked if that included Mr. Turner's home too, and Mr. Turner replied that he had City water put on his property six years ago and he had had a septic tank approval.

Mr. Jones stated that whatever the Board did, the applicant may have some problems with City County Health Department.

Mr. Quarles ask that since Mr. Turner had his septic tank put in 6 six years ago did we have a record of whether he passed or failed the perc test. Ricky Jones replied that according to Mr. Silva, percolation tests on the abutting tracts failed as well. Mr. Turner answered that he was familiar with that, but the tests failed because it had been raining every other day at the time. Mr. Turner also stated that he did not feel you could get a perc test on any property when it is raining that much and the ground is saturated with water.

Ms. Bradley stated that if the Board approved this request that Mr. Turner would have to deal with the City County Health Department.

Case No. 14517 (continued)

Mr. Quarles said that the Board could approve the request subject to the City County Health Department approval.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays", no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-1 zoned district; to **APPROVE** a **Variance** (Section 440 - Special Exception Uses In Residential Districts - Use Unit 1209) of the time regulation from one year to permanent for proposed mobile home; and to **APPROVE** a **Variance** (Section 208 - One Single-Family Dwelling Per Lot of Record - Use Unit 1209) to allow 2 dwelling units on one lot of record, per the City County Health Department approval; on the following described property:

The north 183' of the east 145' of Lot 4, Block 2, Lynn Lane Drive Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 14518

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of the required street frontage from 30' to 0' to allow for private access to the rear lot and a lot split, on a property located east of 91st Street and South 33rd West Avenue.

Presentation:

The applicants, Douglas and Rebecca Edwards are being represented by their attorney, John Sublett, 320 South Boston, Suite 805, Tulsa, Oklahoma. Mr. Sublett was represented by Mr. Tom Hanlon, 12605 East 31st Court, Tulsa, Oklahoma. Mr. Hanlon stated that Mr. Sublett made the initial application and asked him to represent the application for the owners.

Protestants:

A letter (Exhibit L-1) was presented to the Board by Ricky Jones from interested parties, Alan and Susan Hartley, 2499 West 91st Street, Tulsa, Oklahoma, asking for a continuance until July 23, 1987.

Comments and Questions:

Mr. Jackere asked Mr. Hanlon if he had any objections to continuing the case until July 9, 1987, and Mr. Hanlon replied he did not. Mr. Jackere advised Mr. Hanlon that as the applicant's representative he

Case No. 14518 (continued)

should go back and check and make sure that all the appropriate notices have been mailed out. Mr. Hanlon asked for the name and address of the person protesting and the Board stated the information could be located in the file.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no abstentions; Smith "absent") to **CONTINUE** the case to July 9, 1987.

Case No. 14519

Action Requested:

Special Exception - Section 440 - Special Exception Uses In Residential Districts - Use Unit 1217 - Request a special exception to allow for a home occupation for an automobile repair/restore business in an RS-3 zoned district, located at 12715 East 22nd Street.

Presentation:

The applicant, LaDawn Russell, was represented by Attorney Richard Bebe, 3010 South 94th East Avenue, Tulsa, Oklahoma. Mr. Bebe showed a picture of the home (Exhibit M-2) and explained that the property would not be changed by this request. Mr. Bebe said that Mr. Russell would be doing maintenance work on automobiles of regular customers. At this time he has approximately 25 families that are his regular customers. Many of these customers are from his own neighborhood. Mr. Bebe stated that the Russells do not now, or ever intend to in the future, to advertise in any way, including an address in the telephone book. Mr. Bebe said there is no need for signs at this time and that Mr. Russell does not intend to have one at any time. Most jobs take from a couple of hours to half a day and any jobs that would be done overnight would be for only one car which would be garaged at night. All jobs are done by appointment only and the customers know they are not to bring their cars until Mr. Russell is ready to work on them and then another customer leaves. There would be no more than two, perhaps three cars at any one time, with all of them parked off the street. Mr. Bebe said that there would be maintenance work on the cars only and that Mr. Russell would have no need of noisy types of equipment or tools. Mr. Bebe said that the Russells have contacted their neighbors by letter and that Mr. Russell has talked with all of his neighbors concerning the shop in his home. Mr. Bebe said that the neighbors on each side of the property were present today and neither had any objections. A petition and letters of support (Exhibit M-1) were submitted.

Interested Parties:

Scott Mitchell, 12701 East 22nd Street, Tulsa, Oklahoma, a neighbor, spoke on behalf of all the property owners or their agents whose names appear on a submitted petition. Mr. Mitchell said that he and the neighbors on the petition were all in support of Mr. Russell's request.

Case No. 14519 (continued)

Comments and Questions:

Mr. Chappelle asked for the names of the neighbors on the east and west sides. Mr. Bebe stated that Mr. Russell would be willing to go along with any restrictions the Board might have so he could continue his work. Ms. White stated a concern that Mr. Russell does not own the property to the east. Ms. White informed that she had looked at the property and that the applicant had poured an extra driveway on the other side of his property and that he also has a gate that is either abutting or attached to his neighbor's property. Ms. White said her concern was that the neighbor of the abutting property sharing the driveway be aware that the exception is not just with the current owner and applicant. Ms. White stated that if the present owner should sell his house someone else could move on the property and operate an automotive repair business out of the same property. Ms. White further stated that the new owner might not run the business in the same responsible fashion that Mr. Russell would. The neighbor stated that she understood that fact. Mrs. White added that the driveway was actually on the neighbor's property and the neighbor stated that the driveway was a mutual thing. Mrs. Bradley also asked the neighbor if she understood that if the neighbor tried to sell her property that the land use was there to stay as long as someone wanted to use it as a auto repair business. Again, the neighbor replied that she understood that fact. Mr. Quarles said the Board could address this application with a time limitation. Mr. Quarles offered his solution of a three year time limit on the exception to be a term of approval by the Board.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye", no "nays", no "abstentions", Smith, "absent") to **APPROVE** a **Special Exception** (Section 440 - Special Exception Uses In Residential Districts - Use Unit 1217) to allow for a home occupation for an automobile repair/restore business in an RS-3 zoned district, per a three year time limitation, on the following described property:

Lot 15, Block 2, Stacy Lynn Second Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14520

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of East 36th Street from 55' to 48' to allow for an existing structure, located at 1411 East 36th Street.

Presentation:

The applicant Ronald White, 1411 East 36th Street, Tulsa, Oklahoma submitted a survey (Exhibit N-1), and stated he recently bought the house, which was built in 1927 and has not been added on to since that time.

Case No. 14520 (continued)

Comments and Questions:

Mrs. Bradley ask if there was a survey of the house and Mr. Jones answered that there was.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye", no "nays", no "abstentions", Smith, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206) of setback from the centerline of East 36th Street from 55' to 48' to allow for an existing structure, per survey; located on the following described property:

Lot 2, Block 5, Oliver's Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14521

Action Requested:

Variance - Section 430 - Bulk and Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of setback from the centerline of East 90th Street from 55' to 45', located at the NE/c of South Lakewood Avenue and 90th Place.

Presentation:

The applicant, Judy Lane, was represented by her husband Les Lane. Mr. Lane handed out a plot plan (Exhibit O-1) to the Board. Mr. Lane also ask a correction on the address to 90th Place not 90th Street. Mr. Lane said he wanted to move his house further away from the north bearing trees so he can properly cut a swale to direct water away from the footings of the house. The elevation on the neighbor's present lot to the corner of where the house would be erected would be about 4' difference in elevation.

Comments and Questions:

Mr. Quarles said he was not familiar with the area and ask Mr. Lane if the area was developed or the first of various homes being developed. Mr. Lane replied that the total area was being developed at this time and that there is presently a house on the north side of the property line. Mr. Quarles ask if the trees on the lot were mature trees that Mr. Lane was trying to save and Mr. Lane answered yes. Mr. Lane said that by moving the structure of the house 10' it would help him to keep the circle of the tree roots intact.

Mr. Gardner ask the applicant if his house would face west and if the neighbor's house on the south would also face west and that the sideyard would be on 90th, and the applicant replied in the affirmative.

Protestants: None.

Case No. 14521 (continued)

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions", Smith, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of setback from the centerline of East 90th Place from 55' to 45'; per plot plan; on the following described property:

Lot 1, Block 2, Woodhill Heights Addition, City of Tulsa,
Tulsa County, Oklahoma.

Case No. 14522

Action Requested:

Special Exception - Use Unit 1205 - Request a special exception to allow for a school (university) and a snack bar within the proposed school, all in a multiple zoned area.

Variance - Use Unit 1205 - Request a variance of height to allow for a 40' structure and a variance of the screening requirements, located north and west of the NW/c of I-244 and U.S. 75.

Presentation:

The applicant, Tom Creekmore, 3800 1st National Tower, Tulsa, Oklahoma, is also the attorney for the University Center of Tulsa. Mr. Creekmore submitted a plot plan to the Board (Exhibit P-1). Mr. Creekmore said there are no plans for any accessory uses such as any kind of sports activities or sports fields.

Comments and Questions:

Mrs. Bradley ask about the height and Mr. Creekmore replied that it was an architectural feature and that the architect's had submitted building plans. Mrs. Bradley stated this was for a 40' structure and what would it be by right. Mr. Gardner replied 35'.

Mr. Jackere ask if it was an architectural feature and said that if it was certain architectural features don't have to comply with the height restrictions.

Ms. Hubbard said it would take her one year to collectively take it lot by lot and that it would have taken the Board three weeks to hear the case so all she did was go through the code and figure out what was required in a residential district.

Mr. Chappelle ask if this was the feature with the clock, the part with a kind of tower and Mr. Creekmore said he honestly did not know but he believed that was right. Mr. Creekmore said that actually he thought it was a planter.

Case No. 14522 (continued)

Mr. Quarles ask for a staff recommendation on approval or not. Mr. Gardner replied that 40' would not be excessive for an Institutional type use in that kind of an area, so Staff had no problem with it.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Use Unit 1205) to allow for a school (university) and a snack bar within the proposed school, all in a multiple zoned area; and **APPROVE** a **Variance** (Use Unit 1205) of height to allow for a 40' structure and a variance of the screening requirements; per plot plan and subject to a tie contract; on the following described property:

A tract of land being a part of vacated Turleys Addition, Tulsa County, Oklahoma; and a part of the west half of Frankfort Avenue of North Tulsa Addition; and a portion of Lot 5 of Block 48 of the Original Townsite of Tulsa, Tulsa County, Oklahoma, all in Section 1, Township 19 North, Range 12 East, IBM, Tulsa County, Oklahoma, being more particularly described as follows:

Beginning at the NE/c of Lot 1, Block 4, Turleys Addition; thence southerly along the east line of said Block 4, said east line being coterminous with the westerly right-of-way line of the Midland Valley Railway, along a curve to the left, said curve having a radius of 2914.93', for an arc distance of 16.41'; thence S 8°35'15" E along said east line and said west right-of-way line a distance of 503.39' to a point on the northerly right-of-way line of Interstate 244 (I-244); thence N 70°01'04" W along said (I-244) R/W line a distance of 132.10' to the NW/c of Lot 5 of said Block 48; thence S 88°58'02" W along the south R/W line of Cameron Street and the north R/W of (I-244) a distance of 216.87'; thence N 1°10'36" W along the east R/W line of the 20' alley in Block 3 of said Turleys Addition a distance of 368.00' to the NW/c of Lot 3 of said Block 3; thence S 88°58'03" W a distance of 160.00' to the NW/c of Lot 16 of said Block 3; thence S 1°10'36" E along the west line of said Block 3 a distance of 368.00' to a point on the northerly R/W of (I-244); thence S 88°58'02" W along said R/W a distance of 125.11'; thence N 71°37'38" W along said R/W a distance of 100.83'; thence N 1°04'36" W along said R/W a distance of 139.71'; thence S 86°53'21" W along said R/W a distance of 140.00'; thence N 64°35'36" W along said R/W a distance of 67.30'; thence N 64°28'33" W along said R/W a distance of 302.86'; thence S 88°57'51" W along said R/W a distance of 29.00'; thence N 53°08'35" W along said R/W a distance of 76.09' to the SE/c of Block 17 of said North Tulsa Addition; thence N 1°09'17" W along the east line of said

Case No. 14522 (continued)

Block 17 a distance of 83.92' to the north line of said Section 1; thence N 88°47'21" E along said north line a distance of 1212.52' to the Point of Beginning, containing 8.810 acres, more or less, subject to easements and rights-of-way of record;

AND

A tract of land being a part of the vacated portion of North Tulsa Addition, Mountain View addition, vacated portion of Davis-Wilson Heights addition, Gurley-Hill Addition, Washington Addition; all of Vacated Businessmen's Addition, Hartford Addition and Northside Addition; vacated Sand Springs Railway right-of-way and an unplatted parcel known as Old Brick plant site, all in Section 36, T-20-N, R-12-E, being more particularly described as follows:

Beginning at a point on the south line of said Section 36, said point being on the east line of Block 17 of North Tulsa Addition, said point also being 83.92' north of the southeast corner of said Block 17; thence N 1°09'17" W along the east line of Block 17 a distance of 242.49' to the northeast corner of said Block 17; thence N 70°04'59" W a distance of 43.48'; thence along a curve to the left (tangent bears N 2°08'27" E), having a radius of 55.00' and a central angle of 181°12'07", for a distance of 173.94'; thence along a curve to the right, having a radius of 33.00' and a central angle of 64°28'56", a distance of 37.14' to a point on the south line of Block 15 of said North Tulsa Addition, said point being 98.40' distant from the southeast corner of said Block 15; thence S 65°30'11" W along the south line of Blocks 15 and 14 a distance of 382.15' to a point on the northerly R/W line of Interstate 244; thence N 88°00'05" W along said R/W a distance of 224.14' to the southwest corner of Lot 8, of said Block 14; thence N 24°32'12" W along the west line of said Block 14 a distance of 533.39'; thence N 30°02'58" W along the easterly R/W line of Detroit Avenue a distance of 122.41' to the north R/W line of Haskell Street; thence N 89°01'13" E along said Haskell Street R/W a distance of 591.52' to the southwest corner of Lot 6, Block 4, Mountain View addition; thence N 0°55'56" W a distance of 361.92' to the northwest corner of Lot 3 of said Block 4; thence N 89°06'46" E a distance of 60.00' to the southwest corner of Lot 2 of said Block 4; thence N 0°55'56" W a distance of 75.12' to the northwest corner of said Lot 2; thence N 89°06'46" E along the north line of said Lot 2 a distance of 60.39'; thence N 1°16'48" W along the west line of the vacated portion of Davis-Wilson Heights addition a distance of 383.63'; thence N 89°08'09" E through last said Addition and along the north right-of-way line of Independence Place a distance of 961.10' to the SE/c of Lot 11, Block 4, Gurley-Hill Addition; thence N 1°13'20" W along the east line of said Lot 11 a distance of 20.91'; thence N 88°57'43" E along the north

Case No. 14522 (continued)

right-of-way line of Independence Place and through vacated Sand Springs Railway R/W a distance of 635.79' to a point on the westerly right-of-way line of Midland Valley Railway; thence S 4°40'44" W along said west right-of-way line a distance of 871.26'; thence continuing along said west right-of-way line on a curve to the left, said curve having a radius of 2914.93', an arc distance of 658.53' to the south line of said Section 36; thence S 88°47'21" W along said south line a distance of 1212.52' to the Point of Beginning, containing 60.2075 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14523

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1202 - Request a special exception to allow for a tent revival in a CS zoned district, located south of the SE/c of North Cincinnati and 46th Street North.

Presentation:

The applicant Richard Jefferson, 1143 North Xenophone, Tulsa, Oklahoma, asked the Board for permission to allow a tent revival in a CS zoned district.

Comments and Questions:

Mrs. Bradley commented that this was a very small lot and inquired how large a tent the applicant was intending to put on the lot. Mr. Jefferson replied a tent 20' x 50' would be placed on the lot. Mrs. Bradley inquired where the parking would be and Mr. Jefferson answered it would be in front of the building. Mrs. Bradley stated there was a small building on the property and Mr. Jefferson said the tent would go up on the back of the property not in the front.

Mr. Quarles stated that he understood the lot was 1/3 of an acre plus or minus or about 1,500 sq. ft. and that the applicant was going to put up a 1,000 sq. ft. tent so there would be 1,400 sq. ft. left over for parking.

Mrs. Bradley stated that she had a problem with the property being adjacent to a residential area. Mr. Jefferson said that now there was loud music until 10 p.m. and midnight in the neighborhood. Mr. Jefferson also said that he is trying to reach out to the teenagers and the youth in the area by doing evangelistic work there.

Mr. Quarles asked how many days or weeks the applicant proposed to have his revival and Mr. Jefferson answered anywhere from 2 to 3 weeks, seven days a week. Mr. Quarles asked what hours the revival was and Mr. Jefferson replied between 7:30 p.m. and 10:30 p.m., depending on the turn out.

Case No. 14523 (continued)

Ms. Bradley asked how many people were expected at the revival and Mr. Jefferson said approximately 50 to 100.

Mr. Quarles asked the applicant if he was a Tulsa minister and if he had a church in Tulsa and lived in the area and the applicant replied yes.

Mr. Gardner stated that the ordinance allows a maximum of 30 days but the Board could make it shorter.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1202) to allow for a tent revival in a CS zoned district; between the hours of 7 p.m. and 10:30 p.m., for a maximum of 30 days; on the following described property:

Beginning 50' east and 515.49' south of the NW/c of the NW/4, thence northeasterly 173.2', north 52.29', west 170', south 85' to the POB, Section 13, T-20-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14524

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an AG zone district.

Variance - Section 440 - Special Exception Uses Permitted in Residential Districts - Use Unit 1209 - Request a variance of the time regulation from 1 year to permanently, located at 419 West 64th Street North.

Presentation:

The applicant Ila Ingalzi was represented by her husband, Frank Ingalzi. Mr. Ingalzi stated that he wants to put a mobile home temporarily behind his old house that burned on December 5. Mr. Ingalzi informed the Board that the insurance company took six to seven months to settle and then did not give him enough money to have a construction company rebuild the house, so the applicant was forced to use the money to pay the note off and then rebuild the house. Mr. Ingalzi stated that when the house is built and livable he will sell the trailer. The applicant also said that living in the trailer now would save him the expense of rent and enable him to put that extra money into rebuilding the house.

Case No. 14524 (continued)

Comments and Questions:

Mr. Quarles asked Mr. Ingalzi if he was proposing to put the mobile home there and live in it while rebuilding and then leave the mobile home there as rental property and Mr. Ingalzi replied no.

Ms. Bradley asked the applicant if he would take the mobile home away and Mr. Ingalzi answered yes, that he would sell the mobile home. Mrs. Bradley inquired of the applicant if he was proposing to make the mobile home permanent and the applicant answered no.

Mr. Jones said the question of permanency was caused by the applicant possibly needing more than the 1 year usually asked for in order to complete his house and in that case the applicant would have to come back to the Board.

Mr. Quarles said on the agenda it said the applicant was requesting a variance from the time regulation from 1 year to permanently on the mobile home but that the applicant really did not want the mobile home there forever.

Ms. Bradley asked the applicant how long he thought it would take to rebuild his house and the applicant said that by working evenings and weekends he has heard it has taken two years and longer. Mr. Ingalzi stated he would have a licensed electrician, a licensed plumber and his brother, who is a licensed carpenter coming in to work on his house and that with all these people it may be less time. The applicant said he just wants to be assured of enough time to complete the rebuilding. Mr. Ingalzi said he is in the process of cleaning up the house now and did have permission from Mr. Joe Harris, the Building Permit Inspector, to go ahead and clean up the house in order to get a permit to rebuild.

Mr. Quarles inquired where the applicant was living now and Mr. Ingalzi replied at 419 West 64th Street North, Tulsa, Oklahoma and his temporary address is 6410 North Elwood, Tulsa, Oklahoma.

Ms. Bradley asked the applicant if he was renting that house and Mr. Ingalzi replied that he was.

Protestants:

Monica Malone, 410 West 64th Street North, Tulsa, Oklahoma stated that her home is directly across the street from 419. Ms. Malone said she had lived in her home for 5 years and every summer she had to call Code Enforcement or the Health Department. Ms. Malone stated that it took the applicant 4 years to get their house torn down, off that lot and removed. Ms. Malone says her problem is that the applicant is going to do the job himself and could take two years. Ms. Malone also said that she has had to call in about the cars the applicant buys to put on his lot; that the applicant has a hearse, a yellow car in the driveway, a boat in the backyard, weeds

Case No. 14524 (continued)

are taller than her and she thinks if he gets a mobile home and puts it behind his house she doesn't think he's going to do the job. Ms. Malone thinks it will take more than four years because it took four years for a government home to get torn off the lot. Ms. Malone said the applicant may be able to do the job and that it may take him six or seven years but she would have to constantly call Code Enforcement, the Health Department, constantly keep calling. Ms. Malone said her main concern was that she would have to call Code Enforcement for them to do the job for three or four years; she said she knew they could do it but there was no guarantee. Photographs (Exhibit R-1) were submitted.

Mr. Jackere said that even if the applicant had his home rebuilt tomorrow there is no guarantee that they would mow the lawn and do that.

Ms. Bradley inquired of Ms. Malone what her alternative would be, if she just wanted to leave the house burned down and Ms. Malone said she wanted the applicant to get a contractor to do this work so it would be done quick.

Ms. Fanny Murphy, 415 West 64th Street North, Tulsa, Oklahoma said that 419 was right next door to her. Ms. Murphy informed the Board that she had to call the Health Department to get the applicant to move his junk cars away from the yard. Ms. Murphy said the applicant never moved anything.

Ms. Bradley asked Ms. Murphy if she had called Code Enforcement about these cars and Ms. Murphy said yes she had. Ms. Murphy said that before the house burned down that she had had to call the Health Department maybe every week for them to move those cars. Ms. Murphy informed the Board that the Water Department came out and the applicant had one of his cars over the water meter and that the Water Department had to call the police to get the applicant to move the car.

Mr. Quarles stated that he was hearing a lot of things that concerned him but not much that concerned the Board, unfortunately. Mr. Quarles said there was a situation of a house burning and needing to be rebuilt. Mr. Quarles informed he was in favor of approving the special exception and denying the variance from one year to permanent.

Mr. Gardner said the reason the property was zoned Agriculture was that it was out in the county and was zoned in an RS single-family category; the City annexed this property and brought it into the City. Mr. Gardner informed the Board that there is a provision in the Zoning Code that states that everything automatically comes in as AG. Mr. Gardner said the property came in and was assigned an AG classification although it is a residential subdivision RS type development.

Case No. 14524 (continued)

Mr. Quarles said he was not opposed, under these circumstances, to granting the special exception for one year and seeing how it is progressing, and for the applicant to come back at the end of a year and show that he has made an honest effort and show us where he is and request more time if it is needed. Mr. Quarles stated he was sympathetic with the people living around there thinking that might go on for five years. Mr. Quarles said he believed it was in the power of the Board to amend that five year time limit if they granted the special exception.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** the **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for a mobile home in an AG zoned district subject to a one year time limit; and to **DENY** a **Variance** (Section 440 - Special Exception Uses Permitted In Residential Districts - Use Unit 1209) of the time regulation from one year to permanently; on the following described property:

Lot 26, Block 4, Northgate Third Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 14525

Action Requested:

Use Variance - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1225 - Request a use variance to allow for a plating business in a CS zoned district, located at 1515 North Mingo Road.

Presentation:

The applicant, Lloyd Neblett, 3916 East 40th, Tulsa, Oklahoma, 74135, said he understood that the hardships in a variance could not be a commercial or monetary hardship but he could plead the hardship of being handicapped by the traffic island. Mr. Neblett also stated that he is adjacent to, not in, a flood zone.

Comments and Questions:

Mr. Quarles asked the applicant to summarize his request. Mr. Neblett answered that he wants a variance to allow a chrome plating business on the property. Mr. Quarles asked the applicant if he was currently in the chrome plating business and Mr. Neblett replied that he was not, but Mr. Virgil Staton was in the chrome plating business, and if the applicant gets the variance he would sell the property to Mr. Staton and Mr. Staton would operate a business on the property.

Mr. Gardner stated that all the area north of Pine is zoned Industrial which would permit the proposed use by right.

Case No. 14525 (continued)

Ms. Bradley ask the applicant if anyone abutted his property next door or if it was vacant and Mr. Neblett said there are no residences in there.

Mr. Jackere said the property was occupied and the applicant agreed yes it is.

A Stormwater Management Case Review (Exhibit S-1) was submitted by Staff.

Interested Parties:

Mr. Virgil Staton, 18101 East 76th Street North, Tulsa, Oklahoma stated that he is the future buyer.

Mr. Quarles ask Mr. Staton if the applicant was planning any new constructions or alterations, paving, parking or grading in the immediate future. Mr. Quarles said the Board had a Staff comment from Watershed that addressed the above and wanted to know about the applicant's expansion on the property. Mr. Staton replied that the entire property from property line to property line is concrete.

Ms. Bradley asked Mr. Staton if he planned to put up a building and he replied he wanted to put a 40' x 40' free form concrete building with an approved pit to hold chemicals. Mr. Staton explained that at the location he is at now, 1824 North Yale, all of the plating equipment is built over a pit and any drainage would go into an 18" deep pit so that no chemicals could get out of that building. Mr. Staton also stated that the Sewer Department checks them regularly. Mr. Staton stated that he has been trying to get an appointment with Stormwater Management in order to meet with them regarding his plans and that he will continue trying until he does meet with Stormwater Management.

Protestants: None.

Board Action:

On **MOTION** from **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1225) to allow for a plating business in a CS zoned district; finding the area to be industrial in nature; subject to Stormwater Management approval; on the following described property:

The W/2, S/2, S/2, SW/4, SW/4 and the S/2, N/2, SE/4, SW/4, SW/4 of Section 30, T-20-N, R-14-E of the IBM, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14526

Action Requested:

Variance - Section 430 - Bulk and Area Requirements In Residential Areas - Use Unit 1206 - Request a variance of the rear yard setback from 20' to 5' to allow for an addition to an existing dwelling, located at 2828 East Admiral Boulevard.

Presentation:

The applicant, Mr. William Claggett, 2828 East Admiral Boulevard, Tulsa, Oklahoma 74110, said his yard is small because the right of way took part of his property; therefore the property lines were set back. His garage burned down and he would like to attach the garage to the house when he rebuilds. A plat of survey (Exhibit T-1) was submitted.

Comments and Questions:

Ms. Bradley asked the applicant if the addition was a garage and Mr. Claggett replied that it was.

Board Action:

On **MOTION** of **WHITE** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** a **Variance** (Section 430 - Bulk and Area Requirements In Residential Areas - Use Unit 1206) of the rear yard setback from 20' to 5' to allow for an addition to an existing building, per plot of survey.

Lot 7, Block 4, University Park Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14527

Action Requested:

Variance - Section 240.2 - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the allowed size of a detached accessory building from 750 sq. ft. to 864 sq. ft. (24'x 36'), located at 1419 South 79th East Avenue.

Presentation:

The applicant, Gale Pacetti, 7420 East 3rd, Tulsa, Oklahoma, is chairman of the board of trustees of the Memorial Drive United Methodist Church, which owns the property in question.

Comments and Questions:

Ms. Bradley asked the applicant what the building was to be used for and he replied the church would be storing a 16 passenger van in the building and building supplies. Ms. Bradley asked if it would also be a storage building and Mr. Pacetti replied that it would be.

Case No. 14527 (continued)

Mr. Chappelle asked the applicant if he had a plot plan and the applicant presented one to the Board (Exhibit V-1).

Ricky Jones reported to the Board that the residential property in question is tied to the church, or actually belongs to the church and is used for church purposes.

Ms. Hubbard commented that the principal use of the lot is the parsonage.

Mr. Jackere asked the applicant if there would be any maintenance of the vehicle on the property and Mr. Pacetti answered no, that there would only be storage.

Protestants: None.

Board Action:

On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions"; Smith, "absent") to **APPROVE** the **Variance** (Section 240.2 - Permitted Yard Obstructions - Use Unit 1206) of the allowed size of a detached customary accessory building to the church, from 750 sq. ft. to 864 sq. ft. (24'x 36'); per plot plan submitted; on the following described property:

The south 105' of the west 269' of the S/2, N/2, SE/4, SE/4, NE/4 of Section 11, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14528

Action Requested:

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

Variance - Section 440 - Special Exception Requirements in Residential Districts - Use Unit 1209 - Request a variance of the time restriction from 1 year to permanently, located at 2103 North Birmingham Place.

Presentation:

The applicant, Suzette Marques, 2030 North Columbia, Tulsa, Oklahoma, was not present at the hearing.

Protestants:

Mr. Clarence Lee White, Jr., 2030 North Columbia Avenue, Tulsa, Oklahoma, represented the neighbors in the neighborhood. Mr. White presented pictures (Exhibit W-1) of the property to the Board for their perusal.

Case No. 14528 (continued)

Comments and Questions:

Ms. Bradley asked Mr. White if there was an abandoned house on the property now and Mr. White answered that it was. Ms. Bradley asked Mr. White if it was a solid house and Mr. White said no, it was not; that he had been inside and the electrical code had been violated and that it needed to be demolished.

Mr. Quarles said he appreciated the protestant coming down and sitting through all the hearing, but that he had a problem with the applicant not being present.

Board Action:


On **MOTION** of **QUARLES** the Board voted 4-0-0 (Bradley, Chappelle, Quarles, White, "aye"; no "nays"; no "abstentions", Smith, "absent") to **DENY** the **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS-3 zoned district; and to **DENY** a **Variance** (Section 440 - Special Exception Requirements in Residential District - Use Unit 1209) of the time restriction from 1 year to permanently; on the following described property:

Lots 12 and 13, Block 4, Wafu-Highlights Addition, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:47 p.m.

Date Approved

7.23.87



Chairman

