

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 506
Thursday, June 1, 1989, 1:00 p.m.
Francis F. Campbell Commission Room
Plaza Level of City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Bradley Chappelle, Chairman Smith	Quarles White	Gardner Moore Taylor	Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 30, 1989, at 12:50 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 1:02 p.m.

MINUTES:

On **MOTION** of **SMITH**, the Board voted 2-0-1 (Chappelle, Smith, "aye"; no "nays"; Bradley "abstaining"; Quarles, White "absent") to **APPROVE** the Minutes of May 4, 1989.

On **MOTION** of **BRADLEY**, the Board voted 2-0-1 (Bradley, Smith, "aye"; no "nays"; Chappelle "abstaining"; Quarles, White "absent") to **APPROVE** the Minutes of May 18, 1989.

UNFINISHED BUSINESS

Case No. 15113

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1208 - Request a special exception to allow for a nursing home in an RS-2 zoned district, located south of SW/c of 101st Street and South Yale Avenue.

Comments and Questions:

It was noted by Mr. Taylor that **Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma, requested by letter (Exhibit A-1), on May 30, 1989, that Case No. 15113 be continued to June 15, 1989. Mr. Norman stated in the letter that additional time is needed to allow for the completion of the work of the court appointed appraisers, and for the decision of the Jenks School District on the acceptance and payment of the value of the property.

Case No. 15113 (continued)

Mr. Chappelle informed that Mr. Smith has stated that he will abstain, due to a possible conflict of interest. He pointed out that three affirmative votes are required to approve an application, and it will be necessary to continue the case until additional Board members are present.

Presentation.

Mr. Norman stated that the property in question is the subject of a condemnation proceeding by the Jenks School District and the continuance was requested to allow the court appointed appraisers to file their findings. He informed that the appraisal was filed on May 31, 1989, after the continuance was requested. Mr. Norman pointed out that, if the appraisal made by the court appointed appraiser is acceptable to the Jenks School District and funds are deposited, this matter will become moot. He requested permission to have this case heard on another date if the Jenks School District does not acquire the property.

Additional Comments:

Mr. Chappelle apologized to the protestants that were present for any inconvenience the continuance will cause. He explained that it is necessary to continue the application due to the fact that one of the three Board members present must abstain from hearing the case, and also noted that Mr. Norman's request is reasonable, due to the existing circumstances.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Bradley, Chappelle, Smith, "aye"; no "nays", no "abstentions" Quarles, White, "absent") to **CONTINUE** Case No. 15113 to June 15, 1989.

Case No. 15141

Action Requested:

Variance - Section 1211.3 - Use Conditions - Use Unit 1211 - Request a variance of the required 6' screening fence along the west property line.

Variance - Section 1211.4 - Off Street Parking Requirements - Use Unit 1211 - Request a variance of the required number of parking spaces from 15 to 3, located at 1524 South Denver Avenue.

Comments and Questions:

Mr. Taylor advised that the Building Inspector's office has notified Staff that the applicant, Carmelita Skeeter, is in need of additional relief, and requested that Case No. 15141 be continued to July 6, 1989 to allow sufficient time for readvertising.

Protestants: None.

Case No.15141 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **CONTINUE** Case No. 15141 to July 6, 1989.

MINOR VARIANCES AND EXCEPTIONS

Case No. 15156

Action Requested:

Variance - Section 930 - Bulk & Area Requirements in Industrial Districts - Use Unit 1226 - Request a variance of the required lot frontage from 200' to 145' to allow for a lot split (LS#17172) in an IM zoned district, located 1115 West 41st Street.

Presentation:

The applicant, **Anthony L. Spencer**, 1115 West 41st Street, Tulsa, Oklahoma, stated that a 145' lot is being created by splitting a larger tract of land. He informed that there are other lots in the area that are smaller (less frontage) than the one in question. A plot plan (Exhibit B-1) was submitted.

Comments and Questions:

Mr. Gardner advised that the TMAPC approved the lot split on May 17, 1989, per conditions, and subject to Board of Adjustment approval.

In response to the applicant's question concerning a change in the TMAPC imposed conditions, Mr. Gardner pointed out that any revision of previous lot split requirements will have to be made by the TMAPC.

Darrell Matlock, 4410 South 33rd West Avenue, Tulsa, Oklahoma, counsel for the applicant, stated that Mr. Spencer does not want to give up the 50' deed of dedication.

Mr. Jackere pointed out that the Board of Adjustment can only grant a variance of the required frontage.

A case review (Exhibit B-2) from the Department of Stormwater Management was submitted.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Variance** (Section 930 - Bulk & Area Requirements in Industrial Districts - Use Unit 1226) of the required lot frontage from 200' to 145' to allow for a lot split (LS#17172) in an IM zoned district; subject to TMAPC requirements; finding that there are

Case No. 15156 (continued)

other lots in the area that are smaller than the lot in question; and that the granting of the variance request will not be detrimental to the area; on the following described property:

Part of the SE/4, SW/4, Section 23, T-19-N, R-12-E, of the Indian Base and Meridian, in the City and County of Tulsa, Oklahoma, according to the US Government thereof, being more particularly described as follows:

Beginning 854.26' west of the SE/c of said SW/4, thence north 340', west 60', north 60', west 85', south 400' to the south line of said SW/4, thence east 145' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15157

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required front setback from 30' to 26' to allow for an existing building, located 8828 South Kingston Avenue.

Presentation:

The applicant, **Greg Breedlove**, was represented by **Jack Cox**, 7935 East 57th Street, Tulsa, Oklahoma, who submitted a plat of survey (Exhibit C-1), and informed that a foundation for a dwelling was constructed over the required front setback. Mr. Cox pointed out that the street curves at this location, and asked the Board to approve the variance request. A letter from the developer (Exhibit C-2) was submitted.

Comments and Questions:

Mr. Smith stated that he has viewed the site and is not opposed to the variance request.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206) of the required front setback from 30' to 26' to allow for an existing building: per plat of survey submitted; finding a hardship demonstrated by the curvature of the street and the irregular shape of the lot; on the following described property:

Lot 7, Block 1, Woodhill Addition, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 15150

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of the rear yard setback from 20' to 5' to allow for an addition to an existing building, located 4105 South 33rd West Avenue.

Presentation:

The applicant, **Jimmie Cypert**, 4105 South 33rd West Avenue, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1), and explained that he is proposing to build a two-car garage on his property at the above stated address.

Comments and Questions:

Mr. Chappelle stated that the Board has received a letter (Exhibit D-2) from the Water and Sewer Department, who recommend that the construction be allowed no closer than 11' from the east property line, which is the standard utility easement.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of the rear yard setback from 20' to 11' to allow for the addition of a garage to an existing building; stipulating that no construction be allowed within 11' of the east property line, due to the location of a utility easement in this area; finding a hardship imposed on the applicant by the narrowness of the lot, and the fact that there other structures in the immediate area that are closer to the boundary line than the proposed addition; on the following described property

Lot 25, Block 1, Brooks Addition to the Town of Red Fork, now an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Lot 26, Block 1, Brooks Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, less tract beginning at the NW/c of Lot 26; thence east a distance of 10'; thence southwesterly to a point on the west line of said Lot 25, said point being 10' south of the NW/c of Lot 26; thence north a distance of 10' to the Point of Beginning, for street purposes.

Case No. 15152

Action Requested:

Variance - Section 1221.7(B) - Use Conditions for Outdoor Advertising Signs - Use Unit 1221 - Request a variance of spacing between outdoor advertising signs from 1200' to 585' to allow for the replacement of an existing sign, located 2120 Southwest Boulevard.

Presentation:

The applicant, **Bill Stokely**, 10111 East 45th Place, Tulsa, Oklahoma, submitted photographs (Exhibit E-1), and explained that he is proposing to replace an old existing poster sign with a new 14' by 48' single pole structure. Mr. Stokely asked that the sign be allowed until 1995, when new outdoor advertising requirements are to be met.

Comments and Questions:

Mr. Jackere asked Mr. Stokely if he understands that the Board's decision today does not alter the requirements that must be met in 1995, and he replied that he will comply with whatever the law requires in 1995.

Ms. Bradley asked if the replacement sign is the same size as the existing sign, and Mr. Stokely replied that the display area for the new structure will be 672 sq ft.

Mr. Gardner noted that the existing sign has four faces, with 500 sq ft of surface area, while the new sign will have two faces, with a total of 672 sq ft of display surface area.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Variance** (Section 1221.7(B) - Use Conditions for Outdoor Advertising Signs - Use Unit 1221) of spacing between outdoor advertising signs from 1200' to 585' to allow for the replacement of an existing sign; subject to the new sign being removed on or before January 1, 1995; finding that the number of signs will not be increased, and the sign in question must be removed in 1995; on the following described property:

Block 1, Clinton Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15154

Action Requested:

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

Variance - Section 440 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time restriction from one year to permanently, located 2210 North Canton Avenue.

Presentation:

The applicant, **Wanda Hasting**, 2210 North Canton, Tulsa, Oklahoma, stated that the mobile home in question was installed approximately five years ago after her home was destroyed by fire. She asked the Board to allow the mobile to be located permanently at this address.

Comments and Questions:

Mr. Chappelle asked Ms. Hasting if she made application for the mobile home in 1984, and she answered in the affirmative.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for an existing mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440 - Special Exception Requirements - Use Unit 1209) of the time restriction from one year to permanently; finding that the mobile home has been at the present location for approximately five years, and has proved to be compatible with the surrounding neighborhood; on the following described property:

The E/2, Lot 10, Block 1, S. R. Lewis Addition to Dawson, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15155

Action Requested:

Variance - Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of an accessory building from 750 sq ft to 3832.25 sq ft to allow for a new building (includes the size of existing accessory buildings), located 8350 East 13th Street.

Presentation:

The applicant, **John A. Charon**, 8350 East 13th Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit F-1) and stated that he is proposing to build a 74' by 32' building, which will replace some older structures on the property that will be removed. He stated that he has antique cars, two boats and a tractor that will be stored in the new building.

Case No. 15155 (continued)

Comments and Questions:

Ms. Bradley asked the applicant if all accessory buildings will be removed from the property, and he replied that the buildings shown on the plot plan will be retained.

Mr. Gardner noted that the applicant is requesting an increase of 400% above the permitted square footage for the tract, and will have approximately 1500 sq ft of accessory buildings in addition to the new building that is to be constructed.

In response to Mr. Gardner's inquiry, the applicant replied that he is retired, but occasionally does some gas and oil consulting.

A Department of Stormwater Management case review (Exhibit F-2) was submitted to the Board.

Protestants:

Ray Cosby, 8705 East 21st Street, Tulsa, Oklahoma, District 5 Co-Chairman, stated that the Charon property is well maintained, but surrounding property owners are opposed to the construction of the large storage facility in the area. He submitted yellow page ads (Exhibit F-4), and pointed out that neighbors are concerned that business operations may be moved to this location. Mr. Cosby noted that area residents have informed him that the owner of the property at 8341 East 13th Street, which has a paving business, is a relative of the applicant. He stated that they are concerned that the business will be moved to the subject tract when the new building is constructed. A letter (Exhibit F-3) recommending denial of the application was submitted.

Stan Symansky stated that he is representing his wife, who is the owner of property at 1330 South 87th East Avenue, Tulsa, Oklahoma. He pointed out that the approval of the large building would invite future commercial activity in the area if the property should be sold to another owner.

Applicant's Rebuttal:

The applicant stated that his property is well maintained, but the appearance could be improved if some of the old buildings were removed.

Mr. Smith asked Mr. Charon if he is in the paving business, and he replied that he is not in the paving business and will not use the property for commercial purposes.

Ms. Bradley inquired as to the height of the proposed building, and the applicant informed that the structure will be 16' 8" in height.

Mr. Gardner pointed out that the applicant is requesting more buildings than would normally be customary and accessory. He noted that the total square footage of all buildings, including the proposed building, may be more than 4000 sq ft, since the new structure is 2368 sq ft, and the existing 1722 sq ft barn will also remain.

Case No. 15155 (continued)

Board Action

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye" no "nays" no "abstentions"; Quarles, White, "absent") to **DENY** a **Variance** (Section 240.2(e) - Permitted Yard Obstructions - Use Unit 1206) of the size of an accessory building from 750 sq ft to 3832.25 sq ft to allow for a new building (includes the size of existing accessory buildings); finding that there are numerous accessory buildings on the subject tract, and that the size of the proposed accessory building is excessive in a residential neighborhood; and finding that the request violates the spirit and intent of the Code; on the following described property:

Lots 2 and 3, Block 7, Forest Acres Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15158

Action Requested:

Variance - Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206 - Request a variance of the required front setback from 25' to 20' on specific lots in an RS-3 zoned district, located east of Darlington Avenue at 87th Street South.

Presentation:

The applicant, **Greg Breedlove**, was represented by **Jack Cox**, 7935 East 57th Street, Tulsa, Oklahoma, who submitted a plot plan (Exhibit G-2) and requested a variance of the required front setback on the cul-de-sac lots of a new housing addition. A letter (Exhibit G-1) from the developer of the addition was submitted.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk & Area Requirements in Residential Districts - Use Unit 1206) of the required front setback from 25' to 20' on specific lots in an RS-3 zoned district; per plot plan submitted; finding a hardship demonstrated by the the irregular shape of the lots and the cul-de-sac location; on the following described property:

Lots 7, 8 and 9, Block 1; Lots 28, 29 and 30, Block 2; Lots 5, 6, 7, 8 and 9, Block 3, Lots 12, 13 and 14, Block 4; and Lots 6, 7, and 8, Block 6, Southern Point Second Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15159

Action Requested:

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

Variance - Section 440 - Special Exception Requirements - Use Unit 1209 - Request a variance of the time restriction from one year to five years, located 3317 1/2 West 38th Street.

Presentation:

The applicant, **Rebecca Walker**, 3317 1/2 West 38th Street, Tulsa, Oklahoma, asked the Board to allow her to continue living next door to her grandmother, who is elderly and requires her assistance. The applicant explained that the Board approved the location of the existing mobile in 1982 for a five-year period.

Comments and Questions:

Ms. Bradley asked the applicant if she is owner of the subject property, and Ms. Walker replied that her grandmother gave her the property after the death of her father.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1209) to allow for an existing mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440 - Special Exception Requirements - Use Unit 1209) of the time restriction from one year to five years; finding that the mobile home has been at this location for several years, and has proved to be compatible with the neighborhood; on the following described property:

Lots 9 and 10, Block 1, Yargee Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15160

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted In Commercial Districts - Use Unit 1220 - Request a special exception to allow periodic skateboard contests in a CS zoned district, located at 2109 East 69th Street.

Case No. 15160 (continued)

Presentation:

The applicant, **Glorie J. Webb**, 2109 East 69th Street, Tulsa, Oklahoma, requested permission to conduct five skateboard contests each year on the business parking lot. She informed that the contests will be held on Saturday from noon to 5:00 p.m. A letter from the applicant (Exhibit H-2) and a location map (Exhibit H-1) were submitted.

Comments and Questions:

Ms. Bradley asked if a permanent structure will be erected on the parking lot, and the applicant replied that all materials used for the events will be removed from the lot after competition has ended.

In response to Mr. Smith's inquiry concerning noise generated by the event, the applicant stated that there will be loud music during the competition and the wheels also create noise. He asked how many spectators will be visiting the site, and Ms. Webb stated that the last event attracted approximately 300 people. Ms. Webb informed there is parking available at the All American Fitness Center and the post office. There was discussion concerning protestants at the previous contest, and Ms. Webb stated some of the area property owners were opposed to the contest.

Protestants:

Laura Baxter, 6901 South Yorktown, Tulsa, Oklahoma, stated that she owns International Furs across the street from the proposed location of the contests. She pointed out the spectators park on her lot, and children congregate there to play. Ms. Baxter stated that a window in the building was broken during the previous contest.

Mona Miller, 6901 South Yorktown, Tulsa, Oklahoma, stated that she is the owner of the building that is leased by Ms. Baxter, and is opposed to the contests, due to the added traffic congestion and noise created by this type of event.

Applicant's Rebuttal:

Ms. Webb pointed out that the protestants have no proof that the vandalism was done by someone attending the skateboard contest. She stated that security is always on the parking lot to control any disruptions that might occur.

Ms. Bradley stated that this type of activity is not compatible with the area, due to the noise and increased traffic that will be generated.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **DENY a Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1220) to allow periodic skateboard contests in a CS zoned district; finding that the use is not compatible with the surrounding area, due to increased noise and traffic; on the following described property:

Case No. 15160 (continued)

All of Lot 7 and the following described portion of Lot 8, Block 1, Lewis Village Addition to the City of Tulsa, Tulsa County Oklahoma, according to the recorded plat thereof:

Beginning at the SW/c of Lot 7, thence due north along the west line of Lot 7 a distance of 210.11; thence west along the north line of Lot 8 a distance of 10'; thence due south a distance of 214.43' to the north right-of-way line of East 69th Street South; thence northeasterly along said right-of-way line and along a curve to the right having a radius of 150', a distance of 10.90' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15161

Action Requested:

Special Exception - Section 420 - Accessory Uses In Residential Districts - Use Unit 1212 - Request a special exception for a home occupation to allow for an existing convenience booth in an RS-3 zoned district, located 3840 West 55th Place.

Presentation:

The applicant, **Lonnie Butler**, 3840 West 55th Place, Tulsa, Oklahoma, submitted photographs (Exhibit J-1) and asked the Board to allow him to continue operating his small business. He stated that candy, soft drinks, and a few grocery items are sold from a small building located beside his home. Mr. Butler submitted a petition and several letters of support (Exhibit J-2) signed by residents of the area.

Comments and Questions:

Mr. Chappelle asked the applicant if a sign will be installed for the business, and he replied that he will not have a sign.

In response to Mr. Smith, the applicant stated that there will be no entertainment in the store, and the hours of operation will be from 8:30 a.m. to 8:30 p.m..

Ms. Bradley stated that she is somewhat concerned with the operation of a grocery store in a residential neighborhood.

Mr. Gardner advised that the Board should determine if this business is appropriate for the area, and if it meets the requirements of the Home Occupation Guidelines.

Protestants: None.

Case No. 15161 (continued)

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Special Exception** (Section 420 - Accessory Uses In Residential Districts - Use Unit 1212) for a home occupation to allow for an existing convenience booth in an RS-3 zoned district for three years only; subject to the Home Occupation Guidelines; finding that the temporary use, as presented, will not be detrimental to the area; on the following described property:

Lot 5, Block 10, South Haven Amended Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15162

Action Requested:

Variance - Section 1221.4(820.2c) - Use Conditions for Business Signs - Use Unit 1221 - Request a variance to allow for more than one sign per street frontage and a variance of the allowed display surface area from 175 sq ft to 210 sq ft.

Comments and Questions:

Mr. Gardner noted that the Code allows one sign per street frontage for each 150' or increment thereof. He stated that signs in a Corridor District use CS zoning conditions. Mr. Gardner pointed out that this sign plan has not been approved by the TMAPC.

Presentation:

The applicant, **Terry Howard**, was represented by Charles Hare, 6550 East Independence, Tulsa, Oklahoma, who stated that the property in question has 175' of street frontage. Photographs (Exhibit K-1) and a sign plan (Exhibit K-2) were submitted.

Protestants:

Larry Henry, 1000 Oneok Plaza, Tulsa, Oklahoma, stated that he is representing the Chimney Hills Estates Homeowners Association in this matter, and that he will not be able to attend either of the next two Board of Adjustment meetings if this case is not heard as scheduled. He pointed out that the applicant has not presented a hardship, and the existing sign is larger than any others in the area.

Mr. Chappelle suggested that Mr. Henry submit his protests in writing and they will be considered when the Board hears the case.

Board Action:

On **MOTION** of **SMITH**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **CONTINUE** Case No. 15162 to June 15, 1989 to allow the application to be heard by the TMAPC.

Case No. 15164

Action Requested:

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow for automotive and allied activities in a CS zoned district, located 1284 1/2 East 11th Street.

Presentation:

The applicant, Richard Erickson, was represented by Andy Flynn, 1202 South 101st East Avenue, Tulsa, Oklahoma, who requested permission to operate a used car sales lot at the above stated location.

Comments and Questions:

Mr. Jackere asked if the business will be exclusively used car sales, and Mr. Flynn answered in the affirmative.

Ms. Bradley inquired as to the number of cars that will be stored on the lot, and Mr. Flynn replied that he expects to have an inventory of 20 to 50 vehicles.

Protestants: None.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye"; no "nays"; no "abstentions"; Quarles, White, "absent") to **APPROVE** a **Special Exception** (Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1217) to allow for automobile sales in a CS zoned district; subject to car sales only, with a maximum of 20 automobiles being displayed; and subject to days and hours of operation being, Monday through Saturday, 7:00 a.m. to 9.00 p.m.; finding that the property has previously been used as a car lot, which has proved to be compatible with the surrounding commercial uses; on the following described property:

The south 150', east 199.5', SE/4, SE/4, SE/4, SE/4, Section 5, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 10561

Action Requested:

Amend plot plan.

Comments and Questions:

Mr. Gardner stated that the degree of change in the plot plan should be noted by the Board, and a determination made as to whether or not the change is significant enough to warrant readvertising.

Presentation:

The applicant, **Edwin McKenzie**, was represented by **Terry Walls**, 11106 East 7th Street, Tulsa, Oklahoma, stated that the existing building has 1600 sq ft of floor space and 4800 sq ft will be added. He informed that additional parking will be added, along with another driveway.

Mr. Chappelle stated that the Board has been advised by Mr. Jackere, City Legal Department, that the application is significantly different from the initial plan, and should be readvertised in order that property owners within 300' will be aware of the applicant's intent.

Board Action:

On **MOTION** of **BRADLEY**, the Board voted 3-0-0 (Chappelle, Bradley, Smith, "aye", no "nays" no "abstentions"; Quarles, White, "absent") to **DETERMINE** that there is sufficient change in the building plans to warrant readvertising under a new application.

There being no further business, the meeting was adjourned at 2:50 p.m.

Date Approved _____

6-15-89



Chairman

