

**CITY BOARD OF ADJUSTMENT**  
MINUTES of Meeting No. 534  
Thursday, March 2, 1989, 1:00 p.m.  
Francis F. Campbell Commission Room  
Plaza Level of City Hall, Tulsa Civic Center

| <b>MEMBERS PRESENT</b>                              | <b>MEMBERS ABSENT</b> | <b>STAFF PRESENT</b>       | <b>OTHERS PRESENT</b>  |
|---|-----------------------|----------------------------|--|
| Bradley<br>Chappelle,<br>Chairman<br>Smith<br>White | Quarles               | Gardner<br>Taylor<br>Moore | Jackere, Legal<br>Department<br>Hubbard, Protective<br>Inspections |

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 28, 1989, at 12:55 p.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** the Minutes of February 16, 1989.

**UNFINISHED BUSINESS**

**Case No. 15042**

**Action Requested:**

Special Exception - Section 420 - Accessory Use Conditions - Use Unit 1206 - Request a special exception to allow for a home occupation for a newsletter business in an RS-1 zoned district, located 11149 South Hudson Avenue.

**Presentation:**

The applicant, **Jean Arehart**, was not present.

**Comments and Questions:**

Mr. Taylor informed that the applicant has not been present for three consecutive meetings, and a registered letter notifying Ms. Arehart of this meeting remained unclaimed at the post office.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **STRIKE** without prejudice Case No. 15042; finding that the applicant failed to appear at three consecutive meetings, and all attempts to contact the applicant have been unsuccessful.

**Case No. 15057**

**Action Requested:**

Special Exception - Section 710 - Principal Uses Permitted in Commercial Districts - Use Unit 1215 - Request a special exception to allow for the modification of conditions for an approved trade school in a CS zoned district, located NE/c 31st Street and South Sheridan.

**Presentation:**

The applicant, **Paul Baker**, requested by letter (Exhibit A-1) that Case No. 15057 be withdrawn.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Chappelle, Smith, "aye"; no "nays"; White, "abstaining"; Quarles, "absent") to **WITHDRAW** Case No. 15057, as requested by the applicant.

**Case No. 15061**

**Action Requested:**

Variance - Section 1205.3(a)2 - Use Conditions - Use Unit 1205 - Request a variance to allow for parking in the required front yard of an existing church building, located 9102 South Mingo Road.

**Presentation:**

The applicant, **David Nichols**, 2627 East 21st Street, Tulsa, Oklahoma, submitted a plot plan (Exhibit B-1), and asked the Board to allow a church parking lot for 25 cars along Mingo Road. It was noted that Forrest Park Christian Church is proposing new construction on the site, and the required parking has been met at this time, but the extra spaces are needed for future expansion. He informed that the parking lot will not interfere with the proposed road construction in that area.

**Comments and Questions:**

Mr. Smith asked if the floodplain area to the south prohibits the use of that land for parking, and the applicant answered in the affirmative.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 1205.3(a)2 - Use Conditions - Use Unit 1205) to allow for parking in the required front yard of an existing church building; per plot plan submitted; finding that the church faces into the intersection and actually fronts on two streets; and finding that a large portion of the tract is located in the floodplain and is not suitable for parking; on the following described property:

Lot 1, Block 1, Forrest Park Christian Church Addition, City of Tulsa, Tulsa County, Oklahoma.

## NEW APPLICATIONS

### Case No. 15069

#### Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of rear yard setback from 25' to 20' to allow for a garage, located south side of 25th Street at Columbia Avenue.

#### Presentation:

The applicant, **The Brook Company**, 5550 South Lewis, Tulsa, Oklahoma, was represented by **Allen Madewell**, architect. He submitted a plot plan (Exhibit C-1) and explained that the proposed garage will be attached to the house by a covered breezeway, which protrudes into the required rear yard setback approximately 5'. Mr. Madewell pointed out that the lot is irregular in shape, and the house was moved toward the rear of the lot because of the narrow cul-de-sac frontage.

#### Comments and Questions:

Mr. Smith asked if this is a new subdivision, and the applicant answered in the affirmative.

In response to Ms. Bradley's question, the applicant stated that the construction will not extend over the easement.

#### Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of rear yard setback from 25' to 20' to allow for a garage; per plot plan submitted; finding a hardship demonstrated by the cul-de-sac location, narrow street frontage and irregular shape of the lot; and finding that the granting of the variance request will not be detrimental to the neighborhood; on the following described property:

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

**Case No. 15071**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1202 - Request a special exception to allow for a heliport (private) In an RS-3 District.

Variance - Section 930 - Bulk and Area Requirements In Industrial Districts - Request a variance of the 75' setback from residential districts, located north of NW/c 107th East Avenue and 61st Street.

**Presentation:**

The applicant, **Dave Cannon**, 10301-A East 51st Street, Tulsa, Oklahoma, stated that he is representing the prospective buyer of the subject property, and that the purchase is contingent upon the Board's permission to construct a private heliport at this location. He pointed out that the land on the east and west side of 107th Street is somewhat trapped by Mingo Valley Expressway and Garnett Road and is suited to this type of use. Mr. Cannon informed that he has recently constructed a commercial heliport approximately 900' to the north of the property in question. Photographs (Exhibit D-2) were submitted.

**Comments and Questions:**

Ms. Bradley voiced a concern with the impact two heliports might have on the residential neighborhood. Mr. Cannon pointed out that the resident next door to the commercial heliport has not suffered any adverse affects from that business. Ms. Bradley asked if the proposed heliport has FAA approval, and Mr. Cannon replied that he has made application (Exhibit D-1) to that agency. He explained that the property in question will be used for an office/warehouse for a valve company and will probably have no more than 15 to 20 landings and takeoffs per month.

Ms. White remarked that she is not opposed to the heliport if the operation has FAA approval. Mr. Cannon explained that FAA approval entails the acknowledging that the property is a safe place to land, per FAA safety regulations.

Mr. Jackere asked if FAA is aware that a heliport is located 900' from the proposed site, and Mr. Cannon answered in the affirmative. Mr. Jackere asked if there is a space limitation required by FAA, and the applicant replied that there is no restriction as to spacing.

Ms. Bradley reiterated that she is concerned with the location of two heliports in the neighborhood. Mr. Cannon pointed out that numerous lots in the area are zoned IL, with the west side of the expressway being totally industrial.

Mr. Smith inquired as to the size of the helicopter that will use the heliport, and the applicant stated that his client owns a three-passenger Bell 41. He pointed out that this type of helicopter is smaller and makes less noise than those used by hospitals, and will be stored inside the building.

Case No. 15071 (continued)

**Board Action:**

On **MOTION** of **WHITE**, the Board voted 3-1-0 (Chappelle, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1202) to allow for a private heliport in an RS-3 District; and to **APPROVE** a **Variance** (Section 930 - Bulk and Area Requirements In Industrial Districts) of the 75' setback from residential districts; subject to FAA approval; hours of operation being Monday through Saturday, 7:00 a.m. to 7:00 p.m., with no Sunday activity; and subject to the size being limited to a four-passenger helicopter; finding that the surrounding area is predominately industrial and IL zoning is pending on the subject tract; and finding that heliport use is established in the general vicinity and has proved to be compatible with the area; on the following described property:

All of Lot 8 and the north 64.82' of Lot 9, Block 2, Golden Valley Addition, City of Tulsa, Tulsa County, Oklahoma.

*LEGAL CORRECTED BY ACTION 4/6/89*

**Case No. 15072**

**Action Requested:**

Special Exception - Section 410 - Permitted Uses In Residential Districts - Use Unit 1211 - Request a special exception to allow for office uses (engineering) in an RM-2 zoned district, located 1003 East 5th Place.

**Presentation:**

The applicant, **Tom Wright**, was not present.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 15072 to March 16, 1988.

**Case No. 15073**

**Action Requested:**

Variance - Section 730 - Bulk and Area Requirements In Commercial Districts - Use Unit 1213 - Request a variance of setback from the centerline of West Edison from 100' to 73' to allow for a new building.

Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1213 - Request a variance to allow for required parking within the Major Street Plan right-of-way, located SE/c West Edison Street and North 29th West Avenue.

Case No. 15073 (continued)

**Presentation:**

The applicant, **Joseph Hanes**, 2221 West Knoxville, Broken Arrow, Oklahoma, stated that he is representing the owner of the property in question. He informed that the proposed structure will be moved as far to the rear of the lot as possible, with space reserved for a drive-through behind the building. A site plan (Exhibit F-1) was submitted.

**Comments and Questions:**

Ms. Bradley asked the applicant if the proposed structure will align with the building to the east, and Mr. Hanes replied that the building in question is set back further from the centerline of the street.

Mr. Gardner asked the applicant if Edison is a two lane street at this point, and he replied that it has been widened to four lanes.

Ms. Bradley inquired as to the use of the building, and Mr. Hanes replied that a Simple Simon's Pizza business will operate at this location.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 730 - Bulk and Area Requirements in Commercial Districts - Use Unit 1213) of setback from the centerline of West Edison from 100' to 73' to allow for a new building; and to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets - Use Unit 1213) to allow for 10 of the required 25 parking spaces to be located within the Major Street Plan right-of-way; per site plan submitted; finding that the surrounding buildings are closer to the street than the proposed structure; finding a hardship imposed on the applicant by the shallow depth and the corner location of the lot; and finding that Edison has been widened to four lanes at this point, and further widening is not anticipated; on the following described property:

Lots 4 and 5, Block 3, Edison Heights Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15074

Action Requested:

Variance - Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a variance of rear yard setback from 25' to 4' to allow for the remodeling of an existing dwelling, located 1505 East 29th Street.

Presentation:

The applicant, **Charles Norman**, Suite 909, Kennedy Building, Tulsa, Oklahoma, stated that he is representing Mr. and Mrs. Fulton Collins, owners of the subject property. He submitted a plot plan (Exhibit G-1) for a garage, with upstairs living space, and informed that the lot is irregular in shape and is located on the south boundary of Philbrook Museum. It was noted that the two properties share a common lot line for approximately 405'. Mr. Norman submitted photographs (Exhibit G-3) and explained that the existing carport was constructed within 4' of the Philbrook boundary, and the owner is proposing to place the new garage at the same location. He submitted a letter (Exhibit G-2) from Philbrook, which stated that they have viewed the plans and have no objection to the proposed construction.

Comments and Questions:

Ms. Bradley asked if the nearby creek affects the subject property, and Mr. Norman replied that the creek is not located on the Collins' property and it is not affected by it.

Protestants: None.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 430.1 - Bulk and Area Requirements In Residential Districts - Use Unit 1206) of rear yard setback from 25' to 4' to allow for the remodeling of an existing dwelling; per plot plan and elevations; finding a hardship imposed on the applicant by the configuration of the lot; and finding that the new construction will replace an existing carport and will not protrude further into the setback than the existing structure; on the following described property:

Lot 11 of the amended plat of Rock Bridge Park Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, except the following described tract:

Beginning at the NE/c of said Lot 11; thence west along the northerly boundary a distance of 103.21'; thence S 10°17'15" W a distance of 201.78' to a point on the southerly boundary of said Lot 11; thence S 80°20'14" E a distance of 00'; thence to the left along the southerly boundary of said

Case No. 15074 (continued)

Lot 11 on a curve of radius 631.71' a distance of 41.81' to a point of compound curvature; thence to the left along the southerly boundary of said Lot 11 on curve with a radius of 2036.76' a distance of 105.11' to the SE/c of said Lot 11; thence N 1°52'55" W along the east boundary of said Lot 11, a distance of 212.23' to the Point of Beginning, and known as 1505 East 29th Street, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15075**

**Action Requested:**

Special Exception - Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1206 - Request a special exception to allow a home occupation (kennel operation) in an RS-3 zoned district, located 443 South 72nd East Avenue.

**Presentation:**

The applicant, **Preston Pilgrim**, 443 South 72nd East Avenue, Tulsa, Oklahoma, stated that the dogs on his property are show dogs and are co-owned. He informed that all of the animals have been "debarked" and are kept in kennels inside a 6' privacy fence. Mr. Pilgrim informed that he raises the animals as a hobby and does not have a boarding operation. Photographs (Exhibit H-1) were submitted.

**Comments and Questions:**

Mr. Chappelle asked how the dogs are "debarked", and the applicant replied that a cut is made in the vocal chords to lower the tone of the bark.

In response to Ms. Bradley's inquiry, Mr. Pilgrim stated that he has 6 dogs on his property at this time.

Ms. White asked the applicant where the dogs are housed during the night, and if there was a complaint filed. Mr. Pilgrim replied that his dogs are kept on a covered patio at night, and that someone is evidently opposed to the operation, but he is not sure who made the complaint.

**Interested Parties:**

**Barbara Lammers**, 447 South 2nd East Avenue, Tulsa, Oklahoma, stated that she lives next door to the applicant, and is not opposed to the dogs.

**Jennifer Southern**, 438 South 72nd East Avenue, Tulsa, Oklahoma, informed that she lives across the street from Mr. Pilgrim and was unaware that there were six dogs in the yard. She stated that there is not a noise problem and the operation has not adversely affected the neighborhood. She pointed out that the dogs running loose in the area are much more of a concern to the residents than Mr. Pilgrim's dogs.



Case No. 15075 (continued)

**Additional Comments:**

Ms. Bradley asked if there will ever be more than 6 dogs on the property, and the applicant replied that occasionally one of his dogs has a litter of puppies, which are kept until they are six months old. He informed that the puppies are evaluated and are sold if they are not suitable for show dogs.

In response to Ms. Bradley's question concerning employees, the applicant stated that only his wife and son help him with the dogs.

Ms. Bradley stated that the existing operation appears to be a business, and Ms. White remarked that she is concerned with approving a kennel operation at this location without a time limit.

Mr. Jackere pointed out that approval of the kennel operation does not allow the property owner to operate in such a way as to become a nuisance to the surrounding area. He pointed out that, if the Board is inclined to approve the application, conditions could be placed on the approval.

Mr. Smith remarked that six months seems to be an excessive amount of time to keep a litter of puppies, and asked the applicant if he can shorten that period. Mr. Pilgrim stated that only one or two dogs in each litter are kept as long as six months.

Ms. White asked the maximum number of dogs that will be kept on the property, and the applicant stated that he will care for six or seven dogs.

Mr. Gardner advised that the applicant has stated that he now has six dogs and may have as many as eight if two puppies remain. He informed that, if the Board is inclined to approve the application, a maximum of eight dogs could be a condition of approval. Mr. Gardner noted that the Code requires that only three dogs can remain permanently, without relief from the Board, and a litter of puppies must be removed from the property six to eight weeks after birth.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 3-1-0 (Chappelle, Smith, White, "aye"; Bradley, "nay"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in the Residential Districts - Use Unit 1206) to allow a home occupation (kennel operation) in an RS-3 zoned district; subject to Home Occupation Guidelines; and subject to a maximum of eight dogs, all of which have been "debarked"; on the following described property:

Lot 14, Block 12, Crestview Estates III Addition, City of Tulsa, Tulsa County, Oklahoma.

**Case No. 15077**

**Action Requested:**

Variance - Section 1221.7 (G,1) - Use Conditions for Outdoor Advertising Signs - Use Unit 1221 - Request a variance to allow for a flashing outdoor advertising sign and a variance to allow for a 235 sq ft extension to said sign, located 802 West 1st Street.

**Comments and Questions:**

Mr. Taylor informed that the applicant, **Bill Stokely**, has requested by letter (Exhibit J-1) that Case No. 15077 be withdrawn.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **WITHDRAW** Case No. 15077, as requested by the applicant.

**Case No. 15078**

**Action Requested:**

Variance - Section 240.2(E) - Permitted Yard Obstructions - Use Unit 1206 - Request a variance of the size of a detached accessory building from 750 sq ft to 860 sq ft, located 2528 West Easton Street.

**Presentation:**

The applicant, **John Harges**, 2528 West Easton, Tulsa, Oklahoma, stated that he removed a two-car detached garage, which was located on the property line, and is proposing to replace it with a 30' by 24' garage. He submitted a plot plan (Exhibit K-1), and stated that the new structure will be built behind the house and away from the property line.

**Comments and Questions:**

Ms. Hubbard advised that the new building alone does not exceed the 750 sq ft requirement; however, there is another accessory building on the lot which contains an additional 140 sq ft of floor space.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 240.2(E) - Permitted Yard Obstructions - Use Unit 1206) of the size of a detached accessory building from 750 sq ft to 860 sq ft; per plot plan submitted; finding a hardship demonstrated by the large size of the lot; and finding that the request is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Beginning 273' west of the NE/c, SE/4, NW/4, thence west 132', south 190', east 132', north 190' to the Point of Beginning, less the north 25' for right-of-way, Section 3, T-19-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15079

Action Requested:

Variance - Section 1130.2(B)(2) - Accessory Uses - 1217 - Request a variance of setback from an R District from 150' to 90' to allow for a sign, located east of SE/c 71st Street and South 93rd East Avenue.

Presentation:

The applicant, **Quik Trip**, was represented by **Pat Fox**, Fox Architects, 2250 East 73rd, Tulsa, Oklahoma, who explained that PUD 179-R is composed of three development areas (convenient shopping, retail shopping and mini-storage), with the mini-storage area adjoining apartment complexes on the south and east. He stated that a ground sign is requested for each development area, and the sign for the mini-storage will be approximately 95' from the residential area. It was noted that the 100' of street frontage will not allow the required spacing for the three signs. He stated that the TMAPC has recommended approval of the application, subject to this Board's approval of the variance request. A site plan (Exhibit X-1) was submitted.

Comments and Questions:

After Mr. Smith's inquiry as to a sign plan, Mr. Gardner noted that one of the requirements of the PUD was TMAPC approval of the sign plan, which will be submitted for their review.

Ms. Bradley asked if the sign will be lighted, and the applicant answered in the affirmative.

Mr. Gardner noted that the TMAPC and the City Commission have approved the application, but do not have the jurisdiction to waive a code requirement. He explained that the ordinance requires that the sign be erected 150' from the R District, which would place it inside Tract B, therefore it should be constructed as close to the western boundary as possible and still remain in Tract C.

In response to Ms. Bradley's question, Mr. Fox stated that he is required to submit a detail site plan, with sign plan included, to the Planning Commission for their review.

Protestants: None.

Board Action:

On **MOTION** of **WHITE**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Variance** (Section 1130.2(B)(2) - Accessory Uses - 1217) of setback from an R District from 150' to 90' to allow for a sign; per plan submitted; finding a hardship demonstrated by the configuration of the tract and limited street frontage; on the following described property:

A tract of land being a part of Lot 1, Block 2, Woodland Springs I, and addition to the City of Tulsa, and a part of the NE/4, Section 12, T-18-N, R-13-E, Tulsa County, Oklahoma, said tract being more particularly described as follows:

Case No. 15079 (continued)

Beginning at the NE/c of said Lot 1; thence S 0°05'41" W along the easterly line of said Lot 1, a distance of 570.33' to a point; thence due west along the south line of said Lot 1, a distance of 745.36' to a point on the easterly right-of-way line of south 92nd East Avenue; thence along said right-of-way around a 430.00' radius curve to the left having an initial tangent bearing of 619'41", a central angle of 14°40'19", for an arc distance of 110.11' to a point; thence N 21°00'00" W along said right-of-way, a distance of 16.45' to a point; thence continuing along said right-of-way around a 469.56 foot radius curb to the right having a central angle of 8°02'12", for an arc distance of 65.86' to a point; thence due east a distance of 696.72' to a point; thence N 0°05'41" E a distance of 385.33' to a point on the north line of said Lot 1; thence due east along said north line, a distance of 100.00' to the Point of Beginning; said tract containing 180,682.51 sq ft, or 4.148 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 15080

**Action Requested:**

Special Exception - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1209 - Request a special exception to allow for a mobile home (office use) in an IL zoned district, located at 16711 East Admiral Place.

**Presentation:**

The applicant, **Bud Waits**, 6812 South 74th East Avenue, Tulsa, Oklahoma, requested permission to use a mobile home for office use in an industrial area.

**Comments and Questions:**

Ms. Hubbard asked the applicant if he plans to use the mobile home as a residence, and he replied that it will be for office use only.

Ms. Hubbard pointed out that the building inspector's office issues temporary nonresidential mobile home permits for units that are used for offices only. Both Ms. Hubbard and Mr. Jackere agreed that the applicant is not in need of the relief requested.

Mr. Jackere explained that the Building Code, and not the Zoning Code, regulates mobile homes used as offices.

**Board Action:**

On **MOTION** of **BRADLEY**, the Board voted 3-0-1 (Bradley, Chappelle, White, "aye"; no "nays"; Smith, "abstaining"; Quarles, "absent") to **WITHDRAW** Case No. 15080 and **REFUND** fees in the amount of \$150.00; finding that the mobile office unit is regulated by the Building Code and not the Zoning Code.

**Case No. 15081**

**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 RM-1 zoned district.

Variance - Section 440.6(a) - Special Exception Requirements - Use Unit 1209 - Request a variance of the time restrictions from one year to permanently, located 1337 North Trenton Avenue.

**Presentation:**

The applicant, **Ted Johnson**, 1337 North Trenton, Tulsa, Oklahoma, who submitted a plot plan (Exhibit L-1), explained that the old house on the property has deteriorated to such a degree that it is not suitable for a dwelling and asked permission to place a mobile home on his two lots. He informed that the old house will be demolished and removed from the property.

**Comments and Questions:**

Ms. Bradley pointed out that only one lot is under application at this time. Mr. Johnson stated that he decided to place the mobile home across the two lots after he made the initial application. He informed that both lots have existing dwellings, which will be removed.

In response to Ms. Bradley, the applicant stated that there are numerous mobile homes in the general area.

Mr. Chappelle explained to Mr. Johnson that the additional lot is not under application and any property added to the application must be advertised.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **CONTINUE** Case No. 15081 to March 16, 1989, to allow sufficient time to advertise for additional relief.

**Case No. 15082**

**Action Requested:**

Special Exception - Section 310 and 910 - Principal Uses Permitted In Agriculture and Industrial Districts - Use Unit 1201 - Request a special exception to allow for a temporary open-air asphalt continuous mix plant, with a bag house, in conjunction with a construction company in an AG and IM zoned district, located 13520 East Apache Street, and south of the SW/c of Apache and 129th East Avenue.

Case No. 15082 (continued)

**Presentation:**

The applicant, **Empire Construction Company**, was represented by **Gene Harris**, 5309 East 21st Street, Tulsa, Oklahoma, who asked the Board to allow temporary location of the mix plant at one of the three designated sites for a period of one year. A case review (Exhibit M-2) from the Department of Stormwater Management and an aerial photograph (Exhibit M-3) were submitted.

**Comments and Questions:**

Mr. Gardner stated that three different sites are under application for the Board's consideration; however, only one of the sites is needed for the mix plant. Mr. Harris informed that the site on Apache is the preferred location. Mr. Gardner stated that the site located south of the railroad, on the west side of 129th East Avenue, immediately abuts the single-family neighborhood to the south, and is the least desirable of the three. He informed that the site on the north side of the railroad, on the west side, is several hundred feet from a residential neighborhood, and the site on Apache may be near a small number of residences, but is the second most desirable location.

**Protestants:**

**Arthur and Wilma Brock**, 13712 East Apache, Tulsa, Oklahoma, stated that they have lived at this location for approximately 30 years and are being surrounded by offensive businesses, such as a cement factory, a recycling business and numerous salvage operations. Photographs (Exhibit M-1) were submitted.

Mr. Jackere commented that under Use Unit 2, open air activities, such as off-site construction facilities, are permitted temporarily. He stated that the Code reads that the use shall not be located nearer than 100' to any lot containing an occupied dwelling.

Mr. Gardner pointed out that the applicant may not need all of the ground that is advertised and could limit their operation to the west half of the property.

Mr. Jackere asked if there is construction nearby that would require the batch plant to be located in the area, and the applicant stated that the asphalt mix is transported to locations all around the City.

Mr. Smith asked if the location will be the home office for Empire Construction, and Mr. Harris stated that it will not.

Mr. Jackere stated that his understanding of "construction facilities off-site" would be a location near the construction site, which would be used to store machinery, mix the concrete, etc.

Mr. Smith asked the applicant how much of the property on Apache is needed for the mix plant, and he replied that the west five acres of the 19-acre tract is under application for Health Department approval.

Case No. 15082 (continued)

**Paul Mauldin**, Budget Auto Parts, 13802 East Apache, Tulsa, Oklahoma, stated that he has no objection to the application, but suggested that a quality 7' screening fence be installed around the plant.

Mr. Gardner noted that the area is designated for industrial uses, and the mix plant could be operated by right in the IM zoned area which abuts the properties under application. Mr. Harris stated that he will make application for rezoning of the property on Apache, if approved for the plant.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 310 and 910 - Principal Uses Permitted in Agriculture and Industrial Districts - Use Unit 1201) to allow for a temporary open-air asphalt continuous mix plant, with a bag house, in conjunction with a construction company in an AG and IM zoned district; subject to the operation being conducted on the western half of the property located on Apache, for a period of one year only; finding that the applicant is planning to zone the property to IM, which will allow the use by right; on the following described property:

The W/2, N/2, NE/4, NW/4, Section 28, T-20-N, R-14-E, less the north 209' of the east 209'; ~~and the S/2, S/2, NE/4, Section 29, T-20-N, R-14-E, less the railroad right-of-way; and the N/2, SE/4, NE/4, Section 29, T-20-N, R-14-E, less the railroad right-of-way,~~ City of Tulsa, Tulsa County, Oklahoma.  
*CORRECTED 12/21/89*

**Case No. 15083**

**Action Requested:**

Special Exception - Section 410 Principal Uses Permitted in Residential Districts - Use Unit 1208 - Request a special exception to allow for the expansion of an existing nursing home in an RS-3 District.

Variance - Section 730 - Bulk and Area requirements in Commercial Districts - Use Unit 1208 - Request a variance of lot frontage from 50' to 37' to allow for a lot split, located NE/c 36th Street North and North Columbia Avenue.

**Presentation:**

The applicant, **Roy Johnsen**, 324 Main Mall, Tulsa, Oklahoma, submitted a site plan (Exhibit N-1) and stated that he represents Buford Properties, owner of the nursing home in question. He noted that the northernmost portion of the property is zoned CS, the interior zoned RM-2 and a small part zoned RS-3. Mr. Johnsen stated that the nursing home was constructed in the late 50's, with his

Case No. 15083 (continued)

client acquiring the property approximately eight years ago. He explained that the owner discovered during the survey process that the building extends into the CS District to the north, and Mr. Buford purchased 37' of land on the north so his building would be located within his ownership and maintain a reasonable setback. It was noted that the property has been vacant for the past two years and refurbishing of the existing structure is now in progress, along with the addition of a 2000 sq ft area to the east in the mid-section of the building. Mr. Johnsen stated that the entry to the nursing home is on Columbia at this time, but will be changed to 36th Street.

**Protestants:** None.

**Board Action:**

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **APPROVE** a **Special Exception** (Section 410 Principal Uses Permitted in Residential Districts - Use Unit 1208) to allow for the expansion of an existing nursing home in an RS-3 District; and to **APPROVE** a **Variance** (Section 730 - Bulk and Area requirements in Commercial Districts - Use Unit 1208) of lot frontage from 50' to 37' to allow for a lot split (No. 17143); per plot plan submitted; finding that the 37' of land fronting Columbia Avenue was purchased by the owner to allow the existing building to be located within his ownership and maintain a reasonable setback; on the following described property:

Part of the W/2 of Lot 8, Barrett and Evans Subdivision, Tulsa County, Oklahoma, according to the recorded plat thereof, being more particularly described as follow, to-wit:

Beginning at a point on the west line of said Lot 8, said point lying 40.00' north of the SW/c thereof; thence N 00°03'07" E along said west line a distance of 314.00' to a point; thence due east 317.90' to a point on the north and south centerline of said Lot 8; thence S 00°01'34" W a distance of 137.00'; thence due west a distance of 100'; thence S 00°01'34" W a distance of 167'; thence S 84°17'22" W a distance of 100.50' to a point lying 40.00' north of the south line of said Lot 8; thence due west a distance of 118.03' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.



OTHER BUSINESS

Case No. 15050

Action Requested:

Reconsider to add condition of approval.

Comments and Questions:

Mr. Gardner explained that this case was heard at the previous meeting and one of the conditions of approval should contained an ODOT requirement that there will be no access to the service road from the westernmost tract. He informed that the applicant has been notified of the reconsideration and is not opposed to this requirement being added to the conditions of approval in the February 16th minutes.

Board Action:

On **MOTION** of **SMITH**, the Board voted 4-0-0 (Bradley, Chappelle, Smith, White, "aye"; no "nays"; no "abstentions"; Quarles, "absent") to **RECONSIDER** approval of conditions for Case No. 15050 to add a condition that prohibits the access to the service road from the westernmost tract, as requested by the Oklahoma Department of Transportation.

There being no further business, the meeting was adjourned at 2:38 p.m.

Date Approved

3-16-89



Chairman

