BOARD OF ADJUSTMENT
Minutes of Meeting No. 109
Thursday, May 18, 1972, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Blankenship, Mrs. (in 1:34 p.m.)	Cohen	Edwards	Culver, Legal Dept.
Jolly		Jones	The Building Inspector's office was not represented.
Hendricks		Gardner	
Reeds, Chairman		Schad, Mrs.	

Chairman Reeds called the meeting to order at 1:33 p.m. and declared a quorum present.

SPECIAL ITEMS:

Minutes:

Board Action: On MOTION of JOLLY, the Board (3-0) approved the Minutes of April 20, 1972 (No. 107) and May 4, 1972 (No. 108).

(Mrs. Blankenship in 1:34 p.m.)

UNFINISHED BUSINESS:

7390

Action Requested: Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to permit maintaining a private office in an RM-2 District on a tract located at 2502 East 21st Street.

Presentation: Mr. Jones advised the Board that Mr. Herrington had submitted a letter requesting that the subject application be continued to the June 1, 1972 meeting since he is unable to attend the meeting this date (Exhibit "A-1").

Protests: None.

7390 (continued)

Board Action: On MOTION of JOLLY, the Board (4-0) continued application no. 7390 to the June 1, 1972 meeting, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

7394

Action Requested: Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1004 - Use Unit 4 - Public Protection and Utility Facilities) to permit erecting a transmitting tower in an RMH District on a tract located at 12225 East Admiral Place.

Presentation: Brian Gaskill, applicant, advised the Board that the application was continued to this date to allow him to secure the approval of the FAA on the proposal. Although the FAA has verbally approved the proposal, this approval is not in writing at this time. He therefore requested that consideration of the application be continued to the June 1, 1972 meeting.

Protests: None.

Board Action: On MOTION of JOLLY, the Board (4-0) continued application no. 7394 to the June 1, 1972 meeting, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

7447

Action Requested: Exception (Section 610 - Principal Uses Permitted in Commercial Districts) to permit operating a light machine shop in a CH District on a tract located at 1639 East 11th Street.

Presentation: The Staff submitted a letter from the Tulsa City-County Health Department which contained recommendations pertaining to the use of the equipment (Exhibit "B-1"), and a list of the equipment Jack Pierce proposes to use if the request is approved (Exhibit "B-2").

Interested Party: Mr. A. M. Widdows advised the Board that he had read the letter from the Health Department and requested that the recommendations contained therein be made a condition of approval, in addition to the prohibition of excessive smoke, odors, and noise.

7447 (continued)

Letters were received from Mrs. H. Vinton Potter, member of the Board of Directors of the Tulsa Recreation Center for the Physically Limited (Exhibit "B-3"), and Mrs. Ben Floyd, President of the Center (Exhibit "B-4") outlining the existing facilities and future expansion plans. They each requested that the Board take these facts into consideration in arriving at a decision on the subject request.

Board Action: Mr. HENDRICKS made a motion for approval of the request. This motion failing for lack of a second,

on MOTION of JOLLY, the Board (2-2, with Hendricks and Reeds voting "nay") denied application no. 7447 on the following described tract: (Note: The request was denied due to the lack of three affirmative votes):

Lots 23 & 24, Block 9, Parkdale Addition to the City of Tulsa, Oklahoma.

Remarks: In answer to a question from Mr. Pierce, Mr. Jolly stated that he felt that the request should be denied because it is not consistent with the planning for the neighborhood, the development of the Center for the Physically Limited, and the hospital. He added that he would not want to change anything in the area at this time to a heavier use as the hospital and the Center expand.

Mr. Culver advised the applicant that he has the right to appeal the Board's decision within the next ten days. The appeal should be filed both with the City Auditor and the secretary of the Board of Adjustment.

7300

Action Requested: Appeal (Section 1450 - Appeals from the Building Inspectors) from a decision of the Building Inspector for refusing to permit the operation of an automobile salvage yard in an RS-3 District on a tract located at 2946 East 32nd Street North.

Presentation: Caesar Latimer, attorney for Willie Brown, applicant, introduced Mr. Ray Smith, former owner of the subject tract.

7300 (continued)

Mr. Smith submitted a copy of an affidavit dated May 18, 1970 in which he stated that he did sell the subject tract to Mr. Brown in 1960 for the purpose of operating an auto salvage (Exhibit "C-1"). He stated that he had owned the property since 1954 and had operated an auto salvage on the property since that time.

Remarks:

Mr. Culver advised the Board that 1959 is the date which should be used to determine the nonconforming status of the use.

Protests:

Douglas L. Boyd, attorney for approximately ten protestants had submitted six affidavits at the last meeting alleging that the use was not in operation prior to 1966. He submitted a copy of a petition filed by Mr. Smith on his behalf in the Court of Common Pleas in Tulsa County, which claimed damages resulting from a fire in the right-of-way of the railroad tracks southeast of his property (Exhibit "C-2"). He stated that the petition did not include damages to any vehicles on the property. He also submitted a photo taken in 1964, which included a portion of the applicant's property (Exhibit "C-3"); there were no automobiles visible. Mr. Boyd stated that if there were any junk autos on the property at that time, the operation was not carried on to the extent that it is now, and in itself would not constitute a nonconforming salvage yard.

He pointed out that the request has not been filed on grounds of hardship, and that issue cannot, therefore, be argued. He added that in 1970 Mr. Brown agreed to fence the property to improve its appearance, and stated that he would move from the property within two years. However, the cars are now encroaching upon State property, and the rats are invading the residences of the surrounding property owners.

Remarks:

Mr. Smith stated that a total estimate of the damages was submitted, which included a number of items which were not specifically mentioned in the petition. He stated that the fire itself didn't damage the autos to a great extent, and added that since he burned the cars at that time to dispose of them he did not file damages.

7300 (continued)

Board Action: On MOTION of JOLLY, the Board (4-0) upheld the decision of the Building Inspector since nonconforming status has not been established, and denied application no. 7300 on the following described property:

The E/2, E/2, SE/4, SW/4, NE/4, Section 20, Township 20 North, Range 13 East of the Indian Base and Meridian, in Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, LESS the beginning at the SW corner of the E/2, E/2, SE/4, SW/4, NE/4, North along the West line of said E/2, E/2, SE/4, SW/4, NE/4, a distance of 400'; thence South 82°-32'-15" East a distance of 166.92' to the East line of said E/2, E/2, SE/4, SW/4, NE/4; thence South along the East line a distance of 375' to the SE corner of said E/2, E/2, SE/4, SW/4, NE/4 a distance of 164.99' to point of beginning.

NEW APPLICATIONS:

7459

Action Requested: Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit operating a church and recreation area in an RS-3 District on a tract located at 7901 South 33rd West Avenue.

Presentation: Logan Minton, representing the Free Full Gospel Church, Inc., submitted a plot plan (Exhibit "D-1"), and advised the Board that although the use is nonconforming, he was advised by the Staff to request an exception in order that any future expansion of the use would be permitted without Board of Adjustment action. In answer to a question from Mr. Jolly, he stated that there were no waivers involved in this request.

Protests: None.

Board Action: On MOTION of JOLLY, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit operating a church and recreation area in an RS-3 District, subject to the plot plan submitted, on the following described tract:

SW/4, NW/4, SW/4, SW/4, of Section 10, Township 18 North, Range 12 East, Tulsa County, Oklahoma.

7460

Action Requested: Interpretation (Section 1460) of Use Unit No. 5, and

Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to permit using property for a nonprofit educational corporation, for the training of persons engaged in the field of household employment in order to further the education and improve the working conditions of these persons, in an AG District, on a tract located at 506 East 36th Street North.

Presentation: David Noss, attorney, representing the Oklahoma Committee on Household Employment, Inc., stated that the requested use falls under the general heading of Use Unit 5 of the Zoning Ordinance, although it is not specifically listed therein. He advised the Board that they propose to renovate the abandoned church on the tract, and will use it for offices, and submitted a copy of the corporation's by-laws (Exhibit "E-1").

Protests: None.

Remarks: Mr. Culver advised the Board that he did not feel that it was necessary that the use be specifically listed within Use Unit 5, but only that it does fall within the description of the Use Unit.

Board Action: On MOTION of JOLLY, the Board (4-0) interpreted that the requested use falls within Use Unit 5 of the Zoning Ordinance, and

on MOTION of JOLLY, the Board (4-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to permit using property for a nonprofit educational corporation for the training of persons engaged in the field of household employment in order to further the education and improve the working conditions of these persons, on the following described tract:

A part of the NW/4 of the NE/4 of the NW/4 of Section 24, Township 20 North, Range 12 East, Tulsa County, State of Oklahoma, LESS and EXCEPT however, the following described portion thereof:

7460 (continued)

Beginning at the NW corner of the NW/4 of the NE/4 of the NW/4 of Section 24, Township 20 North, Range 12 East, Tulsa County, Oklahoma; thence East a distance of 208.71' to a point; thence South and parallel to the West line of said tract a distance of 208.71' to a point; thence West and parallel with the North line of said tract a distance of 208.71' to a point; thence North and parallel with the East line of said tract, a distance of 208.71' to the point of beginning, and,

LESS and EXCEPT the following tract described as follows:

Commencing at the NE corner of the NW/4 of the NE/4 of the NW/4 of Section 24, Township 20 North, Range 12 East, Tulsa County, Oklahoma; thence South 250' to a point; thence West and parallel to the North line of said tract, 380' to a point; thence North and parallel to the East line of said tract 250' to a point; thence East 380' to the point of beginning.

7461

Action Requested: Exception (Section 410 - Principal Uses Permitted in Residential Districts - Mobile Homes) to permit locating a mobile home in an RM-2 District on a tract located at 1432 South 83rd East Avenue.

Presentation: Mr. Robert J. Hawkins, applicant, submitted a plot plan (Exhibit "F-1"), and stated that he owns four lots, one of which contains his home and a nonconforming office. The 14' x 68' mobile home will be used by his son as a temporary residence (2 years) while he finishes college. He added that the lot is secluded and the mobile home cannot be seen from adjoinint tracts.

Protests: Three letters of protest were submitted (Exhibit "F-2"). Leroy Wise, who owns property adjacent to the subject tract, advised the Board that he objected to the request, and did not feel that mobile homes should be permitted to locate within residential areas.

Remarks: The Chair advised Mr. Wise that if the request is approved, it will be limited to one year. He added that the applicant is fairly limited in what he may do with the mobile home if it is approved.

7461 (continued)

Board Action: On MOTION of JOLLY, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Mobile Homes) to permit locating a mobile home in an RM-2 District for a period of one year on the RM-2 portion of the tract, subject to bond and the plot plan submitted, on the following described tract:

Lot 6, Block 10, Forest Acres Addition to the City of Tulsa, Oklahoma.

7462

Action Requested: Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1430 - Minor Variances) to modify the front footage requirements in an AG District to permit a lot-split, being two lots with 165' frontage (Ordinance requires 300' frontage) on a tract located at 6500 Skyline Drive.

Presentation: Shirley Lee, applicant, was not present.

Remarks: Mr. Jones advised the Board that the Planning Commission had approved the lot-split (L-12780), subject to Board of Adjustment approval.

Protests: None.

Board Action: On MOTION of JOLLY, the Board (4-0) approved a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1430 - Minor Variances) to modify the front footage requirements in an AG District as set forth on Lot-split 12780, on the following described tract:

The N/2 and S/2 of the N/2, NW/4, NW/4, SE/4, of Section 30, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

7463

Action Requested: Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit using property for church, parking, and recreation purposes in an RS-2 District on a tract located at 13033 East 7th Street.

7463 (continued)

Presentation: Dalton Thomas, pastor of the Pentecostal Church of God of America, submitted a plot plan to the Board (Exhibit "G-1"), and stated that the vacant tract will be used for church, parking, and recreational purposes if the request is approved. In answer to a question from Mr. Jolly, he stated that there were no variances, etc., involved at this time.

Protests: None.

Board Action: On MOTION of JOLLY, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit using property for church, parking, and recreation purposes in an RS-2 District, on the following described tract:

Lot 1, Block 6, Meadowbrook Heights Addition to the City of Tulsa, Oklahoma.

7464

Action Requested: Appeal (Section 1450 - Appeals from the Building Inspector) from a decision of the Building Inspector for refusing to allow automoble storage and work on automobiles; and to modernize a building without enlarging the building in an RS-1 District on a tract located at 17317 East 14th Street.

Presentation: John C. Edmundson, applicant, stated that he has owned the subject tract since 1950. The existing building was erected in 1955 and the requested use began within it in 1958. He proposes to place a concrete block wall around the present structure and re-roof it. The building will then be used for the requested use. He submitted a letter from Ray C. Holloway, 1406 South 173rd East Avenue, which stated that the structure has been used for repairing automobiles for the past ten years (Exhibit "H-1").

Remarks: Mr. Edwards stated that Mr. Willis contends that the use is nonconforming since the tract was not annexed into the City until 1966.

Mr. Culver stated that in order to be considered non-conforming, the requested use must have been in operation prior to the date the tract fell within the Five-mile Perimeter of the City of Tulsa.

Mr. Edwards stated that the tract was outside the Five-mile Perimeter in 1964.

Protests: None.

7464 (continued)

Board Action: On MOTION of JOLLY, the Board (4-0) determined that the use is a nonconforming use, based on the evidence presented by the applicant, and approved the request for automobile storage and repair and to modernize the building without enlarging the base of the present building, on the following described tract:

Lot 8, Block 7, Lynn Lane Estates Addition to the City of Tulsa, Oklahoma.

7465

Action Requested: Exception (Section 310 - Principal Uses Permitted in Agriculture Districts) to permit placing a mobile home in an AG District (no bond required) on a tract located southeast of 86th Street North and Yale Avenue.

Presentation: Mrs. Park Dickey, applicant, stated that the mobile home will be the residence of a young man who is presently working for them. She requested that the use be allowed for three years.

Protests: None.

Board Action: On MOTION of JOLLY, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Agriculture Districts) to permit placing a mobile home in an AG District (no bond required) for a period of three years on the following described tract:

The S/2, NE/4, NW/4, NW/4, of Section 27, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

7468

Action Requested: Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) to modify the rear yard requirements from 20' to 9' 3" in an RS-3 District on a tract located at 3328 South 119th East Avenue.

Presentation: Elmer Willis, applicant, submitted a plot plan (Exhibit "I-1").

Protests: None.

7468 (continued)

Board Action: On MOTION of JOLLY, the Board (4-0) approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1470) to modify the rear yard requirements from 20' to 9' 3", with the stipulation that the applicant secure a letter of consent from the neighbor across the back property line which will be entered into the record, on the following described property:

Lot 19, Block 3, Briarglen Extended Addition to the City of Tulsa, Oklahoma.

7469

Action Requested: Variance (Section 730 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1470) to modify the setback requirements to permit building 50' from the centerline of Marshall and 31' from the centerline of Trenton in an IL District on a tract located at 1601 East Marshall Street.

Presentation: J. A. Swartz, applicant, submitted a plot plan (Exhibit "J-1"), and stated that the entire area was platted prior to the present Ordinance restricting the setbacks to 25'. In this instance, the lots are only 34' wide and, if the setback requirement is followed, there would be only 9' of ground left to build on. He stated that the subject tract is actually two lots wide, and he proposes to remove the present structure and erect a new structure utilizing a 31' setback. He added that a mobile home, which will be attached to the building, will be used as an office. This use has been approved by the City Commission.

Protests: None.

Remarks: Mr. Gardner stated that due to the size of the tracts and the industrial zoning, none of the buildings will be able to live up to the requirements of the Ordinance.

Mr. Culver stated that use of mobile homes in districts other than residential must be approved by the City Commission. Therefore, the mobile home mentioned by the applicant is not under consideration before this Board. He added that under the Mobile Home Ordinance, the City Commission may allow mobile homes to be used in areas under construction for a period of six months.

7469 (continued)

Board Action: On MOTION of JOLLY, the Board (3-1, with Mrs. Blankenship voting "nay") approved a Variance (Section 730 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1470) to modify the setback requirements to permit building 50' from the centerline of Marshall and 31' from the centerline of Trenton in an IL District, subject to the plot plan submitted, on the following described tract:

Lot 1, Block 1, Elm Ridge Second Addition to the City of Tulsa, Oklahoma.

7470

Action Requested: Exception (Section 310 - Principal Uses Permitted in Agriculture Districts) to permit maintaining a mobile home in an AG District for a period of five years (no bond required) on a tract located at 3501 South 49th West Avenue.

Presentation: D. J. Buchanan, applicant, advised the Board that the mobile home will be used by his son. He added that his home is also on the property.

Protests: None.

Board Action: On MOTION of JOLLY, the Board (4-0) approved an Exception (Section 310 - Principal Uses Permitted in Agriculture Districts) to permit maintaining a mobile home in an AG District for a period of five years on the following described tract:

The N/2, SW/4, NW/4, of Section 21, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

7471

Action Requested: Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1430 - Minor Variances) to modify the front footage and square footage requirements to permit a lot-split in an AG District on a tract located at 5808 East 116th Street

Presentation: Jerry Wilson, applicant, was not present.

Protests: None.

Remarks: Mr. Jones advised the Board that the lot-split was approved by the Planning Commission, subject to this Board's approval.

7471 (continued)

Board Action: On MOTION of JOLLY, the Board (4-0) approved a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1430 - Minor Variances) to modify the front footage and square footage requirements as set forth in Lot-split No. 12789 on the following described tract:

The E/2 of the W/2 of the NW/4 of the SE/4 of Section 34, Township 18 North, Range 13 East, Tulsa County, Oklahoma, containing 10 acres, more or less.

7472

Action Requested: Exception (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 5 - Hospitals) to permit establishing off-street parking in an RM-2 District on a tract located at 1126 South Trenton Avenue.

Presentation: Fred Pence, representing Hillcrest Medical Center, advised the Board that the original applicant, James Windsor, had declined to pursue the subject request. Therefore, the Medical Center is now the applicant, having purchased the tract from the owner.

Protests: None.

Remarks: Mr. Culver advised the Board that the Minutes should reflect that Hillcrest Medical Center is now the applicant in the subject request. The request therefore falls within Use Unit 5 under Section 410 of the Ordinance.

Board Action: On MOTION of JOLLY, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Community Services, Cultural, and Recreational Facilities) to permit establishing off-street parking in an RM-2 District, noting that the applicant is now Hillcrest Medical Center and that the use falls within Use Unit 5 as a special exception, on the following described tract:

Lot 7, Block 3, Forest Park Addition to the City of Tulsa, Oklahoma.

7473

Action Requested: Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to permit operating a home beauty shop in an RS-3 District on a tract located at 5231 North Johnstown Avenue.

Presentation: Delores Woods, applicant, stated that she proposes to install a two-chair beauty salon in her home. However, she will operate the salon by herself.

Protests: None.

Board Action: On MOTION of JOLLY, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to permit operating a home beauty shop in an RS-3 District on the following described tract:

Lot 31, Block 9, Valley View Second Addition to the City of Tulsa, Oklahoma.

7476

Action Requested: Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1430 - Minor Variances) to modify the front footage requirements and square footage requirements to permit a lot-split in an AG District on a tract located south of 121st Street and 145th East Avenue.

Presentation: James Wilhite, applicant, was not present.

Protests: None.

Remarks: Mr. Jones advised the Board that the lot-split was approved by the Planning Commission, subject to the approval of this Board.

Board Action: On MOTION of JOLLY, the Board (4-0) approved a Variance (Section 330 - Bulk and Area Requirements in Agriculture Districts - Under the Provisions of Section 1430 - Minor Variances) to modify the front footage requirements and square footage requirements as set forth on lot-split No. 12795, on the following described tract:

The North 528' of the South 858' of the W/2, W/2, NW/4, of Section 3, Township 17 North, Range 14 East, Tulsa County, Oklahoma.

SPECIAL ITEMS:

Communication:

7093

Remarks: Mr. Jones advised the Board that Dennis Manasco, architect for St. John's Hospital and School of Nursing, had submitted a letter (Exhibit "K-1") requesting that a revised plot plan (Exhibit "K-2") be substituted for the original plot plan. The revised plot plan shows the existing canopy on the west face of the building along Utica Avenue and the extension of the canopy which the owner proposes to build.

Board Action: On MOTION of JOLLY, the Board (4-0) approved the revised plot plan and substituted it for the original plot plan submitted.

There being no further business, the Chair declared the meeting adjourned at 3:23 p.m.

Date Approved June 15, 1972

Chairman

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