

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 203
Thursday, January 8, 1976, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

<u>MEMBERS PRESENT</u>	<u>MEMBERS ABSENT</u>	<u>STAFF PRESENT</u>	<u>OTHERS PRESENT</u>
Blessing Guerrero Purser, Mrs. Smith	Jolly, Chairman	Etter, Mrs. Gardner Jones	Jenkins, Bldg. Insp. Office Pauling, Legal Dept.

Acting Chairman Guerrero called the meeting to order at 1:37 p.m. and declared a quorum present.

UNFINISHED BUSINESS:

8053

Action Requested:

Appeal (Section 1450 - Appeals from the Decision of the Building Inspector) for refusing to permit the erection of mini-storage warehouses with living quarters in a CS District located on the northeast corner of 86th Street and Lewis Avenue.

Presentation:

The Staff submitted a request (Exhibit "A-1") from Frank Moskowitz, the applicant, requesting that the subject application be continued to January 22, 1976 in order that the plans might be finalized.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) continued application 8053 to January 22, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

8461

Action Requested:

Appeal (Section 1450 - Appeals from the Decision of the Building Inspector) for refusing to permit off-street parking in an RM-1 District located at 912 West 24th Street.

Presentation:

Lee Roy Dunn, the applicant, was not represented.

David Pauling, Assistant City Attorney, requested that the subject application be continued to April 15, 1976 as it is directly related to a case pending in the Supreme Court. He pointed out he had spoken with the representative for the applicant who has no objection to the continuance.

Protests: None.

8461 (continued)

Board Action:

On MOTION of PURSER, the Board (4-0) continued application 8461 to April 15, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

8861

Action Requested:

Variance (Section 420.2 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670) to operate a beauty shop in an RM-2 District located at 3230 South Cincinnati Avenue.

Presentation:

Ben Royal, representing Travelers Insurance Company, advised that the subject application had been reviewed previously and continued to this date in order that it might be properly advertised for consideration by the Board. Mr. Royal presented a brief history of the application as presented at the December 18, 1975 meeting, noting that the facilities are owned by the complex but are being leased by an individual apartment tenant.

David Pauling, Assistant City Attorney, advised the Board that a beauty shop is listed as an accessory use in an RM-3 District but is not listed as a customary accessory use in an RM-2 District.

Mr. Gardner noted that the Staff's main concern is that no sign be permitted on Riverside Drive to advertise the operation as it would then become a commercial operation. Upon questioning by Board Member Smith, Mr. Royal advised that there is an existing wrought iron sign on the face of the structure which will be utilized as the only means of identification. It was noted that the sign is on the interior of the property and cannot be viewed from Riverside Drive.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) approved a Variance (Section 420.2 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670) to operate a beauty shop subject to no signs being permitted along Riverside Drive, with the provision that the Board will allow only the maintenance of the existing sign which is attached to the building containing the shop, in an RM-2 District on the following described tract:

Lot 3, Block 1, 3200 Riverside Drive Addition to the City of Tulsa, Oklahoma.

8870

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a private club and golf course in an AG District located at 81st Street and Mingo Road.

Presentation:

Harry Solow, representing Meadowbrook Country Club, advised that the golf course has been in existence at this location for some 1-12 years and at the time the use was established the property was not within the City Limits as it is now. He noted that the Country Club is proposing to construct a maintenance building on the course itself and approval of the use is needed in order that the building might be constructed.

Mr. Gardner pointed out that at the time the application was filed there was no detailed plan submitted and the Staff suggested to the applicant that all of the subject property be advertised for golf course use except the perimeter 300'. Any related golf course use could be constructed within the area advertised without additional Board approvals. However, any buildings constructed in the perimeter 300' of the property would require specific approval of the Board.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a private club and golf course in an AG District on the following described tract:

NE/4 of Section 13, Township 18 North, Range 13 East, Tulsa County, Oklahoma; LESS the North 300'; and the South 300'; and East 300' and the West 300' thereof.

Action Requested:

Appeal (Section 1650 - Appeals from the Decision of the Building Inspector) limiting the number of automobiles allowed to no more than five vehicles and requiring the removal of any and all vehicles in excess of such number in an IL District located at 1025 East Mohawk Boulevard.

Presentation:

Tom Affeldt, representing Gary Mitchell, reviewed the hearing and action taken during the December, 1974 presentation of the original application (Case #8427), noting that in April, 1975, the Board modified its order by limiting the automobile storage to five vehicles. Mr. Affeldt advised that Mr. Mitchell purchased the property and has been operating on the tract since June, 1975, pointing out that in November, 1975 he was issued a cease and desist order from the Inspector's Office on the basis that more than five vehicles were being stored on the property.

Mr. Affeldt pointed out that the subject property was used for automobile storage by the Tulsa Wrecking Service for five years prior to Mr. DuBois' auto operation. With regard to the use being made of the

subject property at the present time, Mr. Affeldt pointed out that there are two employees and the business is operating with a profit at present; however, if the number limitation is not removed the operation will be required to shut down as it would no longer be feasible to operate. Also, the shutting down of the operation would place two families without jobs in addition to Mr. Mitchell himself.

Mr. Affeldt reviewed a communication he had received from Don Irwin of the Building Inspector's Office which stated that the action of the Board in December, 1974 did not limit the number of vehicles on the property. Mr. Affeldt requested that the cease and desist order of the Building Inspector's Office be reversed and that the use be permitted to continue as the automobiles are entirely dismantled and the bodies removed from the property the following day. All parts are maintained on the property for sales purposes.

Mr. Gardner advised of the history behind the operation, pointing out that there have been several complaints filed and communications received regarding the operation. Mr. Gardner noted that an auto salvage is not now permitted within the IL District. Something other than an auto salvage was presented to the Board in December, 1974 otherwise the Board would not have permitted the use. Although a specific number of automobiles was not included in the Minutes of December 1974, the applicant did state that only one truck load would be on the premises at any one time.

Upon questioning, Mr. Affeldt pointed out that the parts are in the open rather than on racks and there are at present approximately 100 automobiles on the property. Mr. Affeldt advised that he had listened to the tapes of the December hearing and nowhere did he hear that the applicant had stated that a specific number of automobiles would be stored on the property. Mr. Affeldt noted that a large number of vehicles are required to be purchased for the purpose of dismantling if the operation is to be feasible and operated at a profit.

Ralph DuBois advised the Board that the first identification sign he erected noted "Mohawk Auto Parts", but was later changed to "Mohawk Auto Salvage" to be compatible with the area. Mr. DuBois advised that the tract in question is six acres in size and a structure was erected in order that the automobiles might be dismantled inside; however, he pointed out he never limited his operation to a specific number of vehicles, otherwise he could have operated on a 50' x 100' lot rather than the subject six acre tract. He also noted he was not aware that the Board was to meet in April, 1975 to discuss the application and the automobile limitation. Mr. DuBois advised that he had erected an eight foot fence along the western boundary of the property, which exceeded the five foot fence height requirement.

David Pauling, Assistant City Attorney, advised the applicant and Board that he had not reviewed the previous application's minutes nor had he listened to the tapes of that hearing, but that he did recall that it was presented to the Board that this was to be a unique operation and not the typical auto salvage operation in that the automobiles would be dismantled and parts stored for sales purposes. A rendering was presented at the hearing of the original application, at which time Mr. DuBois presented that the subject operation would be the same as shown

on the rendering and not an auto salvage. He noted that the Board felt the use as presented was not an auto salvage or the application would not have been approved.

Upon specific questioning by the Board, Mr. DuBois advised that he had purchased a delivery truck and a two-ton wench truck for the operation during the time he owned the property, noting that he did have automobiles hauled from the property by other firms who do this type of work.

Bill Grimm, attorney representing Mr. DuBois, described the area surrounding the subject property and pointed out the number of auto salvages in operation in the area, with the notation that the subject property backs to one of the largest auto salvage yards in this area of the City. Mr. Grimm advised that the operation was designed to be operated on the entire six-acre tract so that when an automobile is purchased to be salvaged or stored it is placed on the lot for the purpose of dismantling which is why there are so many automobiles on the property at this time. When it is time to dismantle an automobile, the automobile is moved into the building for that purpose. At present the dismantling operation is not yet fully underway as the owner is arranging for an inventory of automobiles for the use. There are approximately 75 automobiles on the property, all are sitting on four wheels and appear to be able to be towed from the property. Mr. Grimm pointed out that a number of the parts stripped from the automobiles are stored inside and the automobiles are being hauled from the property after they are dismantled. He advised that the communication from the Building Inspector says that there were 17 automotiles on the property in April when Mr. DuBois owned it and the property was sold to Mr. Mitchell in June.

Upon Questioning, Mr. Grimm stated he was not aware if there were business records connected with Mr. DuBois' operation that would reflect exactly how many automobiles had been removed from the property between December, 1974 and June, 1975.

Mr. Gardner again reviewed the Board's previous action reading from the December 1974 Minutes which states "there will be no storage of autos".

Mr. Affeldt advised Mr. Grimm that there had been in excess of 100 automobiles stripped and removed from the property since June, 1975. Mr. Grimm noted that an inventory must be maintained in order that the business might operate, pointing out that automobile storage is permitted by right in the IL District.

Mr. Pauling noted that the IL District does permit the storage of automobiles by right, but if those automobiles which are being stored are being dismantled on a piecemeal basis, there is then what is considered an auto salvage operation which is not permitted in the IL District by right or by exception.

Upon further and continued questioning as to how many automobiles had been hauled from the property, Mr. DuBois advised that during the short time he owned the property, from the time of the Board's approval, he had spent most of his time constructing the buildings and did not haul

any automobile bodies that had been dismantled as he did not have time to dismantle the automobiles. He pointed out that he did haul a couple of repairable automobiles from the property during that time.

As there was a difference in the presentation being made this date and the presentation made during the original hearing of the application, the Staff suggested that a transcript of that specific application (Case #8427) be provided the Board at a later meeting of the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) continued application 8878 to January 22, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that the Staff might provide the Board with a transcript of the original application before the Board in December, 1974.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use, classrooms, children's nursery and gymnasium; a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the front setback requirements from 85' to 72.4' from the centerline to permit the aligning of the proposed addition with the existing building; and an Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements in an RM-2 District located at 6212 East Pine St.

Presentation:

Rev. Robert McCray, Pastor of East Tulsa Church of God, submitted the plot plan (Exhibit "B-1") and pointed out the location of the proposed expansion of the existing structure and the expansion to include a gymnasium, classrooms and youth room, and the parking to be required on the property--he requested also that the screening requirement not be required as other churches in the area have not screened their parking lots, surrounding property owners have no objection to the waiving of the screening requirement, and also the Church is negotiating with the property owners to the east and west of the existing parking lot for the purpose of purchasing those properties for church use. Rev. McCray submitted a statement (Exhibit "B-2") from the Church stating the reasons the screening requirement is being requested to be waived, and submitted three letters (Exhibit "B-3") from surrounding property owners who have no objection to the screening waiver at this time.

Protests: None.

Interested Party:

Oleta King, 6232 East Oklahoma Place, advised the Board that she owns property, which is being rented, to the west of the Church parking lot. She stated she has no objection to the screening being waived at this time, but would request that it be required at a later date should some problem or disagreement arise between the Church and herself. She

requested that the screening be required to be erected within 90 days of her request that it be provided. Mrs. King also requested that the access point on Oklahoma Place be blocked when the Church property is not in use in order that access from Pine through the property to Oklahoma Place might be prohibited.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use, classrooms, children's nursery and gymnasium; A Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the front setback requirements from 85' to 72.4' from the centerline to permit the aligning of the proposed addition with the existing building, per plot plan; and an Exception (Section 250.3 - Modification of the Screening Wall or Fence Requirements) for a one year's extension of time to erect a screen on the south half of Lot 10 and the south half of Lot 11, with the understanding that this limit may be extended at that time, and subject to a chain being provided on the Oklahoma Place access point when the Church property is not in use, in an RM-2 District on the following described tract:

The West 100' of Lot 6; the East 122.5' of Lot 7; and the East 120' of Lot 10, Block 1, Exchange Acres Addition to the City of Tulsa Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a chiropractic office in a residence in an RS-3 District located at 2303 South Memorial Boulevard.

Presentation:

David Nelson, representing Dr. Schlecht the applicant, advised the Board that the Doctor's wife is a registered nurse and will be employed with the Doctor and that they will comply with the regulations of a home occupation, pointing out that there will be no signs to advertise the service and that the service will take place entirely on the inside of the existing structure with no accessory building being provided in connection with the use. He presented 15 photographs (Exhibit "C-1") to the Board, describing the properties surrounding the subject property. Mr. Nelson advised that the Doctor had sent a letter to 50 surrounding property owners advising them of the application before the Board and what was anticipated. He pointed out that he received no objections to the use as requested.

Mr. Gardner pointed out that the Staff's primary concerns would be that the use not run with the land, but be approved for this applicant only, and that no additional off-street parking be permitted by paving part of the yard.

8888 (continued)

Mrs. Schlecht advised that the residential structure may be expanded in the future to provide an additional restroom facility, after which the Chair noted that this would be permitted as it would not change the residential appearance of the structure.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a chiropractic office in a residence, subject to the approval not running with the land, no additional off-street parking being provided and subject to no carports or covered areas being erected on the front of the existing structure, in an RS-3 District on the following described tract:

The South 165' of the West 148' of Lot 4, O'Connor Park Second Addition to the City of Tulsa, Oklahoma.

8890

Action Requested:

Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements on the north and east property lines in a CS District located at 1509 East 71st St.

Presentation:

William B. Jones, representing Red Star Oil Company, submitted a plan (Exhibit "D-1") to the Board, advising that the property has been used as a service station with no bays or grease facilities. He described the area surrounding the subject property, noting that the RS-2 property to the north is vacant and to the east is a single-family home approximately 150' to the northeast. Mr. Jones pointed out that the Environmental Protection Agency now requires that when a gasoline transport is loaded that it be loaded from underneath the truck rather than through the top. These requirements have required the purchase of larger transport trucks and larger gasoline tank and when the permit was filed to locate the larger tanks on the property, it was found that the east and north boundaries of the property were required to be screened. He stated that his clients are requesting a waiver of the screening requirement as the Company is located on the south one-third of the tract, there is an existing chain link fence on the north and east, and the screening on the south would be some 250' north of the existing structures on the property. Upon questioning, Mr. Jones noted that the person who operates the station lives in the residential structure on the property.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) approved an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements on the north and east boundaries in a CS District on the following described tract:

8890 (continued)

That part of the SE/4, SW/4, of Section 6, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to-wit: Beginning 30' North and 180.7' East of the SW corner of the SE/4, SW/4; thence North 331.5'; East 180.8'; South 331.5'; West 180.8' to the point of beginning.

8891

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for a public school in an RS-3 District located at 1924 North Cincinnati Avenue.

Presentation:

Bill Wade, representing Independent School District No. 1, submitted the plot plan (Exhibit "E-1") advising that the District is proposing to expand Burroughs Elementary School which has been in existence since the 1920's. He pointed out that no waivers are required.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for a public school in an RS-3 District on the following described tract:

NE/4, NE/4, SW/4, of Section 26, Township 20 North, Range 12 East, Tulsa County, Oklahoma, LESS the South 30' and the West 37' thereof.

8892

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a dog grooming shop in an RS-3 District located at 3319 East 4th Place.

Presentation:

Diane Alvarez requested permission to operate a dog grooming shop as a home occupation, advising that she and possibly her husband would be the only employees of the shop. In presenting her request, Mrs. Alvarez advised that she would not be keeping dogs overnight, that she has no parking problems as the customers will not be staying while their dogs are groomed, that she has a large, insulated detached garage which will contain the operation, that she will groom a maximum of four or five dogs per day, that the dogs are not left unattended, that the operation will be a part-time operation as she also plans to attend school, that she will not handle more than two or three dogs at any one time, that she will limit herself to the size of dogs that she will groom (cocker spaniel and smaller), and that she has not been operating the shop to date. With regard to parking, Mrs. Alvarez advised that her neighbors told her she could use their driveway when they are working.

Protests and

Interested Parties:

Bessie Heck, 3321 East 4th Street, advised that the subject property is located within an old and well-established neighborhood and questioned if the application would open the door to other commercial establishments that require rezoning, after which the Chair advised that it would not. Mrs. Heck requested that no signs be permitted, that no overnight care of animals take place, that no additional buildings be constructed for the use, and that no additional help be permitted if the application is approved by the Board.

Dorothy Andrews, 3324 East 4th Street, questioned whether or not the City of Tulsa verifies if debris from the grooming operation will be screened from the sewer lines, after which Mrs. Andrews was advised that to the knowledge of the Board and Legal Counsel there were no requirements of the City. She advised she had owned her property for 30 years, that many senior citizens live in the neighborhood, and that the dogs might irritate each other and bother area residents if the dogs are penned up for any period of time. She requested that the dogs not be left at the grooming shop overnight which would create additional problems.

A. R. Sheesley, 3236 East 4th Street, noted that this is a commercial activity within a residential neighborhood.

Mrs. Verne Wiggin, 3244 East 4th Street, expressed concern with the precedent for commercial establishments that would be set if the subject application were approved.

Mrs. Alvarez advised the Board and interested parties that the hair from the dogs is not washed into the sewer system, but kept separate; that there is a screen on the bathtub drain to catch the hair and paint used by her husband who is a painter, that the dogs would not be kept overnight, that she had cages in the garage for the dogs, that the garage structure is insulated, and that she would accept approval of the application for herself only and not to run with the land.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a dog grooming shop, subject to there being no overnight care for the dogs, subject to there being no more than four dogs on the property at any one time in addition to the applicant's own pets, and subject to the approval being granted for the applicant only and not to run with the land, in an RS-3 District on the following described tract:

East 25' of Lot 17, All of Lot 18, Block 3, University Heights Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts) to erect nine duplexes; and a Variance (Section 440 (3e) - Special Exception Uses in Residential Districts, Requirements - Under

8893 (continued)

the Provisions of Section 1670) for a variance of the frontage requirements from 75' to 72.68' on Lot 7, Block 7 in an RS-3 District located at 81st Street and South 78th East Avenue.

Presentation:

W. L. Dunn, representing Quatro Properties, Inc., requested permission to erect nine duplexes on the subject property, noting that each lot will be for sale and will back to single-family residential development. He noted that a variance is required on Lot 7, Block 7 due to an error in frontage calculations when the property was engineered. Mr. Dunn described the area surrounding the subject property and noted that the covenants stipulate a minimum of 1,000 square feet per side, or a total of 2,000 square feet per duplex, while Sweetbriar to the west has a minimum restriction of 1,600 square feet per unit.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 410-Principal Uses Permitted in Residential Districts) to erect nine duplexes; and a Variance (Section 440 (3e) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670) for a variance of the frontage requirements from 75' to 72.68' on Lot 7, Block 7, in an RS-3 District on the following described tract:

Lots 3, 4, 5, 6, 7, & 8, Block 7; and Lots 5, 6 & 7, Block 6, Sweetbriar East Addition to the City of Tulsa, Oklahoma.

8894

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 75' to 14' on the west in an IL District located at 6404 East Archer Street.

Presentation:

A. C. Saint advised the Board that he is proposing to construct two mini-storage buildings on the subject property--one 165' x 30' and the other 200' x 30'. He requested a waiver of the setback requirements on the west, pointing out that he would have only 11" in which to build if the setback requirement were met.

Mr. Gardner advised that at the time of the rezoning, the Staff favored IL zoning on the property as opposed to CG or CH in order that the Board might be permitted to review the proposal.

Upon questioning, Mr. Saint advised that he had not presented a plot plan as he did not want to go to that additional expense without first having approval granted for the use of the property. He explained that he had proposed a driveway along the western portion of the tract with doors to the storage units being located on the western side of the structures. Upon questioning, he noted he had anticipated construction material of concrete block with more than likely white paint.

At this point in the hearing,

on MOTION of PURSER, the Board (4-0) delayed temporarily any further consideration of the subject application in order that the applicant might provide the Board with a sketch of his proposed development.

Upon returning with a diagram sketch of the proposed development, Mr. Saint advised that the existing duplex is occupied and would be maintained as possible living quarters for the caretaker. Upon further questioning by the Board, he stated he would have no objection to earthen-tone exterior paint, nor would he have a problem with erecting the structures with no drive being provided on the western side of the development.

Protests and
Interested Parties:

Garner Denton, 6332 East Archer, advised the Board of the existing drainage problems in the area and explained the problems that have been experienced by residents in the area with regard to drainage. Upon questioning, he advised he had no objection to the mini-storage operation as long as the drainage is taken care of so as not to damage surrounding properties.

Coleman Crossland, 6228 East Archer, concurred with Mr. Denton's statements regarding drainage.

Mr. Gardner suggested that the drainage plans be approved by the City Engineer.

Board Action:

On MOTION of PURSER, the Board (4-0) approved application 8894 subject to the approval of the drainage plans by the City Engineer, subject to an amended plot plan being submitted showing no doors on the outside of the westernmost structure noting that the structure on the west could be located as near to the property line as 5', and subject to the construction materials being concrete block as stated by the applicant with earthen-tone paint being utilized to be compatible with the area.

Paul Jenkins, the Building Inspector, raised the question of screening and Mr. Gardner explained how the wall of the structure itself might be utilized as screening on the western boundary, or the applicant may screen the entire boundary with solid screening.

In discussion,

on MOTION of PURSER, the Board (4-0) rescinded their approval of the application and continued application 8894 to February 5, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that the applicant might provide an amended plot plan and work on his drainage plans.

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office District - Section 640 - Special Exception Uses in Office Districts, Requirements) to have two apartments on the sixth floor; and a Variance (Section 620.2 - Accessory Uses Permitted in Office Districts - Accessory Use Conditions - Under the Provisions of Section 1670) for a variance of the sign requirements to permit a pole sign 18' high with a 10' x 6' sign and request to erect signs on roof of building facing the east, west and south all consisting of illuminated letters spelling the message "Billy James Hargis" which will be 5' high and 84' long in an OM District located at 3105 East Skelly Drive.

Presentation:

William Kellough, representing the Billy James Hargis Evangelistic Association which is purchasing the six-story Weir structure, advised the Board that the structure will house the headquarters of several associations, enterprises and entities of the Hargis Association in addition to ministry and orphanage associations. Mr. Kellough noted that the Hargis Association is a non-profit organization which depends on individual contributions; therefore, it was felt that the identification signs proposed (Exhibit "F-1") would serve to draw attention to fund-raisers for the Association. He pointed out that the signs would be illuminated in keeping with signs located in the surrounding area, at which time he submitted 11 photographs (Exhibit "F-2") of signs within the immediate area. Mr. Kellough pointed out that the signs would not have a detrimental affect on the area, as the nearest residential district is located some 200' to the north and the signs are not proposed to face into this area. With regard to the size of the signs, Mr. Kellough advised that he was aware that 32 square feet of identification sign was permitted and pointed out that the signs are larger than this permitted footage and will not be flashing neon but contain alternating messages.

Mr. Kellough submitted a plot plan (Exhibit "F-3") of the requested apartments that are proposed to be located on the sixth floor of the structure for Mr. Hargis and his chief assistant in order that they may be permitted to live within close proximity of the Association headquarters.

In reviewing the plot plans, the Chair noted that there is proposed approximately 1,320 square feet of sign area, while the Code permits only 32 square feet. Mr. Kellough pointed out that effective advertising is needed for non-profit organizations.

Dr. Will Lane, Mr. Hargis' assistant, advised that the international ministry is home-based in Tulsa, that contacts come into town every year to tour the headquarters, and that it is felt the building would be easily identifiable by visitors if the identification signs are permitted as proposed.

Mr. Pauling reviewed the applicant's request for an exception to permit two apartments within the office structure and noted that action by the Board should be granted as a variance to Section 610, pointing out that an exception requires 3 or more units. He further advised with regard to the signs that the Board must find that enforcement of the Code would result in an unnecessary hardship for the

applicant, that such exceptional conditions or circumstances do not apply generally to other property in the same use district, and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the Code, prior to its approving the variance as requested for the proposed signs.

Mr. Kellough advised that this is not a typical office structure but an Association, housed within a structure, which holds itself out to the public.

Protests:

Mrs. William Walden, 5301 South Louisville, representing GTC District 18 which borders the property, advised that the District feels that the large signs as proposed would be very distracting and in poor taste, noting that they have no objections to the balance of the application.

Mr. Gardner pointed out that the sign requested is the type permitted within the commercial district, noting that the applicant is requesting that the property be treated as if it were zoned commercial rather than office. He advised that the Staff has no objections to the request for apartments.

With regard to the variable signs, Mr. Kellough advised that the signs can be made stationery, and requested that both questions before the Board be treated separately.

In Board discussion, Board Member Purser did not feel that sufficient hardship had been proven to permit the variance of the signs as requested, while Board Member Smith felt that the signs as proposed would be a detriment to the traffic and surrounding area as well as the Weir development to the west of the subject structure.

Mr. Kellough advised that the Association would be willing to accept any reduction in the request that the Board felt appropriate.

Board Action:

On MOTION of SMITH, the Board (4-0) approved a Variance (Section 610 - Special Exception Uses in Office Districts, Requirements - Under the Provisions of Section 1670) for a variance to permit two apartments per plot plan; and denied the balance of the application in an OM District on the following described tract:

Weir Fifth Addition to the City of Tulsa, Oklahoma.

Action Requested:

Minor Variance (Section 280 - Structure Setback from Abutting Streets- Under the Provisions of Section 1630) for a variance of the major street setback requirements from 50' to 38' to permit the erection of a pole sign in a CH District located at 3636 South Peoria Avenue.

Presentation:

Ray Orf requested permission to erect a sign pole with a 38' setback rather than the required 50' as the sign would be hidden by others in the area if set back as required by the Code.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) approved a Minor Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630) for a variance of the major street setback requirements from 50' to 38' to permit the erection of a pole sign in a CH District subject to the customary removal contract on the following described tract:

The North 55' of Lot 6, Block 6, Peoria Gardens Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate two mobile homes on two five-acre tracts for a period of five years in an AG District located in the 600 block of East 76th Street North.

Presentation:

Ralph Friend, the applicant, was not present. The Staff advised that he had been present, but had left prior to the calling of his application.

The Chair advised that the protestants could present their objections to the application at this time if they so desired. The protestants requested that they be permitted to speak this date, after which Mr. Gardner advised of the previous application on the property. He pointed out that Mr. Friend does not reside in either of the mobile homes, but that they are rented. He pointed out that the use is similar to a mobile home park, but the lots are larger. Most generally applications for mobile homes are for the applicants or their immediate families, rather than for rental purposes.

Protests:

Mrs. Hardesty, 820 East 73rd Street North, advised the Board that the applicant has erected a sign which advertises the property in the area as a mobile home park, pointing out that he has three mobile homes to the south of his residence and the subject properties are west of his residence. She stated he also has other mobile homes in the area.

Grace Kinney, who resides west of the subject property on 76th Street North, advised of the experiences that the area residents have had with the mobile homes being located within the area and there is no property sewage treatment.

8889 (continued)

Mr. Gardner suggested that the application be continued two weeks in order that the applicant might have one more opportunity to appear and make his requests known. During the time of continuance the Staff will contact the applicant and advise him of the continuance, the Board may wish to view the properties, and noted that the Board may wish the applicant to advise them at the next hearing just what is the difference between this application and the previous application which was filed on the subject property.

Board Action:

On MOTION of BLESSING, the Board (4-0) continued application 8889 to January 22, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

8903

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church purposes in an AG District located at 6526 North 129th East Avenue.

Presentation:

The Staff advised that the application required a continuance in order that it might be readvertised due to an incorrect legal.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) continued application 8903 to January 22, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that the application might be readvertised.

8904

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the side yard requirements from 50' to 48' from the centerline of 57th Street to permit an addition to a garage in an RS-3 District located at 4372 East 57th Street.

Presentation:

The Staff advised that the applicant had requested that the subject application be withdrawn prior to public hearing.

Protests: None.

Board Action:

There being no objections, application 8904 was withdrawn prior to public hearing by the Staff with the understanding that the public hearing fees would be refunded.

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements in an RS-1 District on a lot-split approved by the TMAPC in 1962 in an RS-1 District at 3117 East 65th Street.

Presentation:

Bob Brace, representing Vincent Kelly, advised that he had designed a residential structure for the subject property and found when filing application for a building permit that the lot did not have the proper frontage. The building permit was therefore refused and the application was filed before the Board.

Mr. Gardner pointed out that on other similar applications the Board had required proof for the file that the property to the north has easement for roadway purposes, after which Mr. Jones noted that the proof (Exhibit "G-1") has been filed with the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements on a lot-split approved by the TMAPC in 1962 in an RS-1 District on the following described tract:

The NE/4, SW/4, SE/4, NE/4 of Section 5, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for the main campus for the Tulsa Boys' Home--cottage housing concept with central administration area in an AG District located southeast of Highway 51 and 137th West Avenue.

Presentation:

The Staff submitted a letter (Exhibit "H-1") from the City Manager of Sand Springs requesting a continuance to February 5, 1976, in order that the Sand Springs Planning Commission and City Council might have sufficient time in which to review the application and make recommendation to the Board. It was pointed out that William Doyle, the applicant, was in agreement with the continuance.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) continued application 8902 to February 5, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

COMMUNICATIONS:

Communication:

8431

This is a communication (Exhibit "I-1") from Mrs. Mary Stewart, 1502 East 68th Street North, questioning why she should be required to file an application before the Board and pay the required fees for approval for a mobile home on her property when there are many mobile homes in the area that have been located on the properties without approval of the Board.

The Chair, without objections, directed the Staff to advise Mrs. Stewart that Board approval is required and that a complaint must be filed with the Building Inspector regarding the mobile homes that are not legally located in the residential area.

There being no further business, the Chair declared the meeting adjourned at 5:12 p.m.

Date Approved: _____

2/5/76



Hiding Chairman