

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 204
Thursday, January 22, 1976, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|-----------------------------------|-----------------------------|--|--|
| Blessing Purser, Mrs. Smith | Guerrero Jolly, Chairman | Edwards Etter, Mrs. Gardner Jones | Jenkins, Building Inspector's Office Pauling, Legal Department |

Acting Chairman Smith called the meeting to order at 1:40 p.m. and declared a quorum present.

MINUTES:

On MOTION of PURSER, the Board (3-0) approved the Minutes of December 18, 1975 (No. 202).

UNFINISHED BUSINESS:

8053

Action Requested:

Appeal (Section 1650 - Appeals from the Decision of the Building Inspector) for refusing to permit the erection of mini-storage warehouses with living quarters for a caretaker in a CS District located at the northeast corner of 86th Street and South Lewis Avenue.

Presentation:

The Staff advised that they had received a call from a representative for the applicant requesting a continuance as the information requested is not yet ready.

Protests: None.

Upon questioning by the Board, the Staff advised that the application was brought before the Board as a communication from the Building Inspector and the application has been continued on two occasions as the applicant has not completed the necessary information. The Staff pointed out that the building plans submitted for the building permit were for a two-story mini-storage facility and the Building Inspector was questioning whether or not the two-story facility was the intent of the Board at the time the application was approved.

The Board, on motion of Purser, voted to hear the subject application this date; however, after reviewing the minutes of the original application it was found that none of the members on the Board this date were members of the Board at the time the original application was presented. Therefore, it was felt the application should be continued in order that Chairman Jolly might be present to review the subject application and the minutes of the original application.

8053 (continued)

Board Action:

On MOTION of PURSER, the Board (3-0) continued application 8053 to March 4, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

8770

Action Requested:

Variance (Section 830 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670) for a variance of the side yard requirements from 25' to 1' 7" in an IL District located at 3920 East Pine Street.

Presentation:

L. A. Helms, the applicant, was not present. David Pauling, Assistant City Attorney, advised the Board that the property is in litigation regarding ownership at the present time and requested a continuance to February 19, pointing out that a further continuance may be required at that time.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) continued application 8770 to February 19, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

8799

Action Requested:

Appeal (Section 1650 - Appeals from the Decision of the Building Inspector) for issuing a cease and desist order for the operation of a salvage yard; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) for a variance to allow the operation of a salvage yard and permit automobile repair in an RM-2 District located at 4320 West 8th Street.

Presentation:

James Davidson, the applicant, was not present.

David Pauling, Assistant City Attorney, advised the Board that he had spoken with the applicant, pointing out that the subject application might be affected by a case pending in the Supreme Court at the present time. He noted that the applicant had agreed to a continuance to April 15, 1976.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) continued application 8799 to April 15, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Action Requested:

Variance (Section 201.2 - Flood Hazard Area Maps Adopted - Under the Provisions of Section 1670) to add an addition to the existing building in a designated Flood Hazard Area; and an Appeal (Section 1650 - Appeals from the Decision of the Building Inspector) for refusing to issue a building permit to enlarge an existing commercial structure in an IL District located at 4702 South 103rd East Avenue.

Presentation:

Vince Kennon, representing the applicant, advised that the application had been continued from a previous meeting in order that the City Engineer might review the application and make a recommendation. He noted that Mr. Buffington is requesting permission to build a shed as an extension of the existing building, pointing out that the building will be located on an existing slab. He advised it was his understanding that the City Engineer had told Mr. Buffington that the property was not located within a flood area.

The Chair advised that the Board had received a communication (Exhibit "A-1") from the City Engineer's Office stating that it is the responsibility of the owner to submit proof of elevation by submitting such data certified by a registered professional engineer or land surveyor. At this point, if the information submitted needs verification, the City Engineer's Office would so verify the findings. The Chair noted that the applicant should furnish information that the property is located 1 foot above the required 664' elevation or 665', after which Mr. Kennon advised that the information required could be provided the Building Inspector.

Board Member Purser felt that the application should be continued for submittal of the required information. David Pauling, Assistant City Attorney, noted that the procedural question was raised at the previous hearing. If the tract is below the established elevation as adopted by the Flood Hazard Area maps, a hardship must be shown as being unique to his property. He felt this would be very difficult to show. Mr. Pauling pointed out that the Ordinance does provide a means whereby amendments can be made to the existing Flood Hazard maps upon the initiation of an application of same to the Planning Commission and not the Board of Adjustment. The procedural question raised was whether or not the Board wanted to get involved in this type of procedure when there is an established procedure before the Planning Commission.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) continued application 8873 to February 5, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that the applicant might have sufficient time in which to provide the necessary elevation certification and determine whether or not he should request a map amendment via the Planning Commission.

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, attorney representing the applicant, advised he had no further supplemental information for the Board.

Protests: None.Interested Party:

Paul Freeman, address unknown, advised the Board that when he purchased the property some eight or nine years ago he spent a considerable amount of money in removing debris and storage tanks from the property. Tulsa Wrecking Company used the property for automobile salvage for five years. He noted he was present at the DuBois hearing and did not understand at that time that the operation was to be limited to a specific number of vehicles being located on the property. Mr. Freeman pointed out he had spent hundreds of dollars with the Water and Sewer Department to hook onto existing facilities in the area.

Mr. Gardner submitted to the Board a transcript (Exhibit "B-1") of the original hearing of Case #8427, pointing out that the Minutes of the hearing do not note a specific number of automobiles to be permitted on the property; however, the presentation by the applicant notes that the number of automobiles to be stored would be no more than could be loaded onto a truck and hauled away immediately. He pointed out that Mr. DuBois stated it would not be called an auto salvage; however, a sign was erected on the property following the hearing which identified the use as the "Mohawk Auto Salvage". Mr. Gardner further reviewed the various statements made by Mr. DuBois in that he states that the automobiles will be dismantled one at a time and loaded on a truck for hauling, reviewed the motion and the closing statements of the Chair spelling out specifically that it was not the Board's understanding that the operation is one of automobile salvage and that automobile salvage will not be permitted and is not a part of the approval.

With regard to the number of automobiles that can be loaded onto a truck for hauling purposes, Mr. Gardner submitted a memorandum (Exhibit "B-2") from a Staff member who had researched the question and found that an average truck can transport four unflattened bodies with a 20' bed or six unflattened bodies with a 30' bed. The maximum number of such bodies that a larger truck can carry would be in the range of six to eight. He did not feel that 50, 100 or 200 automobiles to be stored on the property could be read into the presentation or the Board's action taken on the original application. Mr. Gardner pointed out that it is the Staff's position that what was represented was approved as stated in the motion.

The property owner now operating on the subject property has an operation which is different than that which was represented and Mr. DuBois gave the Board the impression at the previous hearing of the subject application that a truckload is all that would be stored on the property.

The Chair noted that the statements made by Mr. Gardner with reference to the original application are what he remembered as being represented at that time and as what was approved by the Board and nothing more.

David Pauling, Assistant City Attorney, noted that the Board is reviewing a transcript; however, the decision of the Board this date must be based upon the motion as it appears in the minutes. Should the Board find that the decision of the Building Inspector with regard to no more than five automobiles being permitted on the property was consistent with the original order of the Board, the Board should affirm the decision of the Building Inspector. If the order of the Board is inconsistent with the Building Inspector's interpretation, there are three things the Board should consider: If the Board finds that the property owner has not complied with the Board's original action as a result of any ambiguity in the Board's order, the Board must clarify its original order and give the property owner time to comply with the original action. (The Board must make this determination from the original order rather than the amended order of April, 1975, as Mr. DuBois was not notified of the Board's intention to review the application at that time); if the Board finds that the property owner has not complied with clear and unambiguous requirements established by the Board and finds that the present owner is in violation of the spirit and intent of the requirements of its special exception approval and further finds that the conditions imposed by the Board have never been met by the property owner, Mr. Pauling advised the Board that the special exception approval has never become operative, and its former approval may be revoked at this time; and, if the Board finds the property owner is in violation of the clear and unambiguous requirements of the Board and further finds that the requirements have, at some time in the past been fully complied with, but due to the lack of diligence the requirements are not presently being complied with, the Board should request this Board's participation with the City in a court action against the property owner.

Mr. Affeldt noted that Mr. DuBois did not state anywhere in the transcript that a specific number of automobiles will be stored on the property, and requested that the Board's motion of December, 1974 be considered ambiguous and his client be given a reasonable amount of time to appeal the decision of the Board or remove the excess automobiles from the property should the Board affirm the decision of the Building Inspector.

Mr. Pauling noted that the applicant has 10 days in which to appeal the decision of the Board--the time being set by Statute. However, the Board can give any number of days they so desire for the applicant to remove the excess automobiles.

Mr. Gardner suggested that the Board might give the applicant himself the opportunity to establish the number of automobiles that can be hauled on a single truck from the property. He noted that the Staff used the figure "five", however, the number could be more or less.

Upon questioning by the Board as to the number of automobiles he felt might be permitted on a truckload, Mr. Affeldt advised he was not of the authority to make such an expert opinion. He pointed out that his client, in order to run the operation, must have an all or nothing decision. Upon further questioning by the Board with regard to the

Presentation:

David Milsten, attorney representing the applicant, described the area surrounding the subject property advising that his client had received a letter from the Health Department regarding the requirements that were to be met and noted that Mr. Friend has complied with all requirements of the Health Department. Mr. Milsten felt that the location of the mobile homes on the property would be a use compatible with the surrounding area.

Protests:

The Chair noted that there were two protestants present at the previous hearing, after which the Board reviewed the previous minutes to ascertain objections of the protestants.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved an 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 three years subject to the Health Department's approval in an AG District on the following described tract:

The E/2, NE/4, NE/4, NW/4; and the W/2, NE/4, NE/4, NW/4 of Section 36, Township 21 North, Range 12 East, Tulsa County, Oklahoma.

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:

John Kornegay submitted the plot plan (Exhibit "C-1") and requested permission to use the property for church purposes pointing out that there are no flooding problems on the property, that the area is developing residential and there is no church within the area. Upon questioning, Mr. Kornegay advised that the exact setback had not yet been determined, but more than likely the structure would be setting back at least 100' from 66th Street North.

Mr. Gardner noted that since the property is over 2½ acres the Board should impose any requirements that might meet what would be met in the platting process such as right-of-way. In reviewing the plans the Chair noted that more than adequate right-of-way would be available if the building were setback at least 100' from the property line.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to

use property for church purposes, subject to the building being set back 100' from the centerline of 66th Street, in an AG District on the following described tract:

A part of the NW/4, NW/4 of Section 4, Township 20 North, Range 14 East, Tulsa County, Oklahoma; beginning 1.740.20' west of the northeast corner of the NE/4, NW/4 of Section 4; thence south 439.40'; thence west 248.60'; thence north 439.40'; thence east 248.60' to the point of beginning. The east 25' to be used for street.

NEW APPLICATIONS:

8897

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for public park to permit improvements at Whiteside Park which will consist of a community center in an RS-3 District located north and east of 41st Street and Pittsburg.

Presentation:

Randy Nicholson, representing the City of Tulsa Park and Recreation Department, submitted the plot plan (Exhibit "D-1") to the Board requesting park use for the 19 acre Whiteside Park which presently contains a recreation center, parking lot, two tennis courts, junior pool and bathhouse, and picnic area. The proposal under application this date is the master plan which includes a 3,000 square foot addition to the northwest corner of the recreation center and an asphalt area to be used as an outdoor gymnasium. Upon questioning, Mr. Nicholson advised that bids would be accepted approximately 1½ months from the date of the Board's approval. With regard to drainage, Mr. Nicholson pointed out that the natural drainage ditch was placed underground when the park was first developed. He pointed out that the Department is working on the drainage plans with the City Engineer at present. Upon questioning as to the lighting that will be provided, Mr. Nicholson noted that there will be security lighting for the junior pool, lighted access points, and no lights being provided for the outdoor gym. At present the recreation centers are operating from 9 a.m. to 11 p.m. six days a week throughout the entire year depending upon the programs offered.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for public park to permit improvements at Whiteside Park which will consist of an addition to the existing community center and an outdoor gymnasium, per plot plan and as presented, in an RS-3 District on the following described tract:

All that part of the SW/4, SE/4 and SE/4, SW/4 of Section 21, Township 19 North, Range 13 East of the I.B.M., in Tulsa County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SW corner of said SW/4 SE/4; thence South $89^{\circ}-59'-05''$ East along the Southern boundary of said SW/4 SE/4 a distance of 256.16'; thence North $0^{\circ}-06'-46''$ West a distance of 212.00'; thence North $27^{\circ}-16'-49''$ East a distance of 128.24'; thence North $57^{\circ}-31'-43''$ East a distance of 409.61'; thence South $32^{\circ}-29'-43''$ East a distance of 135.75'; thence North $57^{\circ}-30'-17''$ East a distance of 34.55'; thence to the right on a curve of radius 325.00', a distance of 15.46'; thence North $32^{\circ}-29'-43''$ West a distance of 125.88'; thence North $69^{\circ}-04'-23''$ East a distance of 312.69'; thence North $28^{\circ}-58'-17''$ East a distance of 144.00'; thence North $6^{\circ}-48'-01''$ East a distance of 365.60' to a point in the South boundary of the North 155' of said SW/4 SE/4; thence North $89^{\circ}-59'-07''$ West along said South boundary of the North 155' of said SW/4 SE/4 a distance of 1,115.36' to the West line of said SW/4 SE/4; thence South $0^{\circ}-07'-22''$ East a distance of 00'; thence to the left on a curve of radius 938.62' a distance of 149.68'; thence South $9^{\circ}-15'-35''$ East a distance of 127.84'; thence to the right on a curve of radius 835.00' a distance of 310.22'; thence South $12^{\circ}-01'-36''$ West a distance of 146.96'; thence to the left on a curve of radius 1,035.00' a distance of 219.47'; thence South $0^{\circ}-07'-22''$ East a distance of 219.87' to the Southerly boundary of said SE/4 SW/4; thence South $89^{\circ}-59'-05''$ East a distance of 30.00' to the point of beginning.

8898

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 park to permit improvements at Ziegler Park to consist of a community center addition; picnic shelters; tot lot equipment; picnic tables; picnic grills; lights for tennis courts; sidewalks; automatic irrigation; parking; lights for outdoor gym; restrooms; concessions and storage building; and landscaping in an RS-3 District located at 4th Street and 41st West Ave.

Presentation:

Randy Nicholson, representing the City of Tulsa Park and Recreation Department, submitted the plot plan (Exhibit "E-1") to the Board requesting park use for Ziegler Park which presently contains two parking areas, a recreation center, municipal pool, tennis courts, a fire station, and lighted baseball and football field. The proposed improvements include the construction and paving of two parking areas, expansion of the existing recreation center by 1,000 sq. ft., construction of a playground area, two outdoor gymnasiums, picnic facilities, a new lighting system for the existing tennis courts, and irrigation for the existing ball field. He pointed out that the other ball fields on the plan are existing backstops in the park area.

Protests: None.

8878 (continued)

operation on the property at present, Mr. Affeldt advised that parts are removed from the automobiles as needed or as time permits and once all parts have been removed from an automobile, the bodies are then hauled away as at that point they are junk bodies. At this point the Chair noted that this operation as explained is different than that which was represented by Mr. DuBois.

Board Action:

Blessing moved to affirm the decision of the Building Inspector and require the applicant to remove all automobiles in excess of five from the property by June 1, 1976, after which the Board discussed the time period. The motion was then amended to,

on MOTION of BLESSING, the Board (3-0) upheld the decision of the Building Inspector limiting the number of automobiles allowed on the property to no more than five vehicles and granted the applicant a period of 90 days (April 22, 1976) in which to remove all automobiles in excess of five from the subject property in an IL District on the following described tract:

Lots 1 and 2, Block 1, Freeman-Long Addition to the City of Tulsa, State of Oklahoma.

8882

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a park, improvements to consist of a junior pool complex; parking; wood shelters; pathways; irrigation for two acres; recirculating water systems to include pool lines, stream liners, pipes, pumphouse for motors and pumps for two independent streams in an RS-3 District located at 31st and Trenton Avenue.

Presentation:

Randy Nicholson, representing the City of Tulsa Park and Recreation Department, advised the Board that the Park Department representatives and Park Board representatives met with the area residents to discuss the application and no agreement was reached. He requested that the application be withdrawn at this time, pointing out that it would be refiled after some agreement has been reached and after review of the Park Board.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) withdrew application 8882 as requested.

8889

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.

1.22.76:204(6)

Board Action:

On MOTION of BLESSING, the Board (3-0) 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 park to permit improvements at Ziegler Park to consist of a community center addition; picnic shelters, tables and grills; tot lot equipment; lights for the existing tennis courts; sidewalks; automatic irrigation; parking; lights for outdoor gymnasiums; restrooms; concessions and storage building; and landscaping, per plot plan and as presented, in an RS-3 District on the following described tract:

Approximately 23.53 acres in the NW/4 of the SE/4 of Section 4, Township 19 North, Range 12 East, particularly described as follows:

Beginning at a point in the North-South half section line of said Section 4, the same being in the center of 41st West Avenue and which point is 425.24' South of the center of said Section 4 and which is the point at which the South boundary of a certain 100' drainage ditch easement intersects said half section line; thence South along said half section line 740.76' to a point which is the intersection of said half section line with the center of 4th Street projected; thence East along the centerline of 4th Street projected and parallel to the South boundary of said Section 4 a distance of 1,115.79' to a point; thence North and parallel to said half section line 312.42' to a point; thence East and parallel to the South boundary of said Section 4 a distance of 208.71'; thence North and parallel to said half section line a distance of 636.58' to a point in the South boundary of the drainage ditch easement which crosses the SE/4 of said Section 4; thence in a Southwesterly direction along the South boundary of said drainage ditch easement a distance of 1,340.13' to the point of beginning.

8899

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 park to permit improvements to Newblock Park which will consist of a junior pool complex; playground development; landscaping; sidewalks; unlighted tennis courts; parking; and storage in an RS-3 District located at Union and Charles Page Boulevard.

Presentation:

Randy Nicholson, representing the City of Tulsa Park and Recreation Department, submitted the plot plan (Exhibit "F-1") to the Board requesting park use in order that the advertised portion of the overall park might be improved to include a junior pool complex, playground equipment, two tennis courts and a 24 car parking lot.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) 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 park to permit improvements to Newblock Park which will consist of a junior pool complex; playground development; landscaping; sidewalks; unlighted tennis courts; parking; and storage, per plot plan and as presented, in an RS-3 District on the following described tract:

Beginning at a point on the southeast corner of Lot 7, Section 2, Township 19 North, Range 12 East; thence North $44^{\circ}57'$ West a distance of 811.5' to a point; thence North $41^{\circ}52'$ East a distance of 185.8' to a point; thence North $67^{\circ}07'$ East a distance of 275.0' to a point; thence North $87^{\circ}56'$ East a distance of 196.0' to a point; thence South a distance of 826.7' to the point of beginning, LESS that land occupied by fire station number 9.

8901

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for public park use to permit improvements of Central Park which will consist of a community center addition and parking for 75 cars in an RM-2 District located at 6th Street and Peoria.

Presentation:

Randy Nicholson, representing the City of Tulsa Park and Recreation Department, submitted the plot plan (Exhibit "G-1") to the Board requesting park use for Central Park to permit improvements at the western end of the park to include a 3,000 square foot expansion of the community center to accommodate a stage area dressing room and expansion of the existing auditorium. There are 50 existing parking spaces and a lot to be improved to accommodate 150 automobiles. A drinking fountain is also being provided to accommodate the shuffleboard area. Mr. Nicholson noted that this City park caters to the elderly.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a public park to permit improvements to Central Park which will consist of a community center addition and parking, per plot plan and as presented, in an RM-2 District on the following described tract:

Beginning at the SE corner of the NE/4 of the SE/4 of Section 1, Township 19 North, Range 12 East; thence West along the quarter Section line a distance of 1,315' more or less to the SW corner of the NE/4 of the SE/4 of said Section 1; thence North a distance of 444.3' to the centerline of 6th Street on the East

in the area until the street question is settled, noting that it is presently pending in Supreme Court.

Ernest Theissen, 2501 South 91st East Avenue, questioned where the applicant is proposing to place the access opening from the property if the application were approved. The Chair pointed out that the plan provides for access via 91st East Avenue. Mr. Theissen advised that there are three families using 91st East Avenue for access purposes at present, that 91st East Avenue is gravel, and that additional traffic would create dust and congestion on the unimproved street.

Dr. William Kidd, 2509 South 91st East Avenue, advised the Board that he had been required to buy flood insurance in early 1975 and stated, upon questioning, that he did not know if his property had ever flooded or not. He was concerned that development of the property might create flooding problems in the area.

Mr. Gardner advised that the area to the west of 91st East Place is not within the flood hazard area as presently mapped, and felt that Dr. Kidd would not be required to purchase flood insurance at this time.

The Board discussed continuing the application in order that the applicant might provide further and specific development plans, after which Dr. Kidd felt that the application should be denied rather than continued until such time as specific plans have been made. Mr. Fritze questioned how the Staff could support the duplexes at this time when some years ago the Staff could not support his application for rezoning. He requested that the Board study the area prior to making a decision. Mr. Gardner explained that the physical features in the area have changed since Mr. Fritze's application was filed.

Mrs. Cook advised that she had been to the Corps of Engineers' on three occasions and each time they advised her that her property was not located within a flood district. She stated she did not want to hurt the neighborhood and assured the Board that the development of the duplexes would be compatible with the area. The Chair advised Mrs. Cook of the type of additional information they would like to have prior to their making a decision on the application.

Board Action:

On MOTION of BLESSING, the Board (3-0) continued application 8908 to March 4, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that the Staff might present a study of the area with regard to development and in order that the applicant might provide more specific development plans.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District located at 307 East 31st Street North.

8901 (continued)

boundary of the Burnett Addition; thence East along the center-line of 6th Street extended, a distance of 1,316', more or less, to the East line of said Section 1; thence South a distance of 444.3' to the point of beginning, said tract of land containing 13.46 acres, more or less.

8906

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the side yard requirements from 5' to 3' to permit the erection of a carport in an RS-3 District located at 4931 South Olympia.

Presentation:

Bruce McClain, representing the property owner, submitted the plot plan (Exhibit "H-1") requesting a variance of the side yard requirement from 5' to 3' in order that a double car carport might be erected.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) approved a Variance (Section 430-Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the side yard requirements from 5' to 3', per plot plan, to permit the erection of a carport in an RS-3 District on the following described tract:

The South 95' of the North 190' of the W/2, NW/4, SE/4, SE/4, SW/4, of Section 26, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

8907

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District located at 765 East 60th Place North.

Presentation:

Wayne Hightower advised the Board that he lived in a rental residence at 823 East 60th Place North for six years until it burned. Since that time he has purchased a mobile home and moved it onto the property and is now requesting permission to maintain the mobile home on the property. He stated he had spoken with his neighbors and they have no objections.

Upon questioning, he stated that there are three mobile homes within three blocks of the property.

Protests: None.

8907 (continued)

Board Action:

On MOTION of PURSER, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home for a period of one year and subject to the customary removal bond in an RS-3 District on the following described tract:

The East 75' of Lots 4 through 9, inclusive; Block 17, Turley Addition to the City of Tulsa, Oklahoma.

8908

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect four duplexes and a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance to permit a 30' frontage to permit a lot-split in an RS-3 District located at the northeast corner of 26th Street and 91st East Avenue.

Presentation:

Ruth Cook submitted a conceptual drawing (Exhibit "I-1") to the Board requesting permission to erect four duplexes on the subject property as there are other duplexes in the area which make the property difficult to develop in a single-family manner. She noted that the final plans might differ slightly from the conceptual plan submitted. Upon questioning, Mrs. Cook advised she did not know what the total square footage of each unit would be, nor did she know what type of exterior or design would be used; however, the development would be compatible with the area. All homes on the south side of 26th face to the south, 26th Street is unimproved at present, South 91st East Avenue is gravel at present, and a street assessment district is pending at present.

Upon questioning as to the compatibility of the request with the existing development and land use, Mr. Gardner reviewed the existing zoning and development in the area and pointed out the number of duplex lots approved to the Board. At a later point in the meeting he presented the Indian Acres Special Study Map, pointing out the many changes that have taken place since the Study was adopted. He pointed out that the Study recommended single-family on the subject property at that time; however, office development has been granted by District Court as well as additional duplexes approved by the Board in the area.

Protests:

Roy Fritze, 2419 South 91st East Avenue, advised the Board that prior to any development in the area, he made application to the Planning Commission for townhouse and apartments on a six acre tract fronting the Skelly Bypass and was told at that time there were problems because of the flood area. He noted that the subject property was in a flood area at that time. Mr. Fritze pointed out that property owners in the area whose back yards abut 26th Street are attempting to close 26th Street in order that they might stop the paving assessment. Mr. Fritze did not feel further development should take place

Presentation:

Charles Carpenter advised the Board that he owns and resides on the lot to the south of the subject property, noting that he is requesting permission to locate a mobile home on the tract in order that his daughter and her husband might reside in the mobile home. He pointed out that the area is sparsely settled and that there is only one mobile home located near 33rd Street North and Cincinnati. Mr. Carpenter, upon questioning by the Board, advised that he does not plan to build a permanent structure on the property in the future. He stated he had contacted everyone possible regarding the application and had received no objections. With regard to sanitary sewer facilities, Mr. Carpenter noted that the property is outside the City, there is no sewer in the area, his residence has a large septic tank and the mobile home will sit near enough to the septic tank to enable it also using the same septic tank. He noted he had not yet contacted the Health Department regarding their requirements.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in the Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home for a period of one year, subject to the customary removal bond and subject to the requirements of the Health Department prior to the installation of the mobile home in an RS-3 District on the following described tract:

Lot 9, Block 3, Chevy Chase Addition to the City of Tulsa, Okla.

Action Requested:

Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to modify the screening requirements where an alternative screening will provide visual separation of uses in an OL District located at 2526 West Edison Street.

Presentation:

Dr. Bernard Hecht submitted the plot plan (Exhibit "J-1") advising that he owns the two subject lots which are double frontage lots. He described the area surrounding the subject property, stating that out of 11 lots in the subject block only one is owner-occupied. A six foot solid screening fence is required on three sides of his property and he is requesting permission to modify this requirement to permit six foot tall evergreens to be planted to blend with the area. He advised that the property is zoned OL, that the proposed use is a veterinarian clinic with no animal runs, that the existing structure is being restored and parking is being provided as shown on the plan. Dr. Hecht advised that he sent 39 letters to area property owners advising of his intentions and to date has received no objections. He received 12 phone calls and all persons agreed with his proposal to provide plantings rather than the solid screening fence.

8911 (continued)

Mr. Gardner advised that the Staff's primary concern is with the southern boundary of the properties. If development of the area follows the present pattern, eventually the entire block will be developed other than single-family. A 5' strip of residential zoning was left on the south to prohibit access in accordance with the Zoning Code and a solid screen on the south would physically prohibit access. He felt that the action taken this date would set a precedent for others that follow on either side of the subject property.

Protests: None.

Interested Party:

R. E. Beaubien, 516 South 45th West Avenue, advised that his son owns property to the south of the subject property and he would rather have plantings than solid screening fences.

Upon questioning by the Board, Dr. Hecht advised that the evergreens would be planted six feet apart center to center and within three to four years would be solid. If the trees were planted at four foot intervals at this time, every other tree would have to be removed in order for the remaining trees to grow as they should.

Board Action:

Purser moved approval of the application subject to the six foot (measured from the ground up) Juniper trees being planted at 4 foot intervals. This motion dying for the lack of a second,

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements- Under the Provisions of Section 1680) to modify the screening requirements on the east, west and south where an alternative screening will provide visual separation of uses--the applicant to provide six foot high Juniper trees when planted (measured from ground to top) at six foot intervals in an OL District on the following described tract:

Lots 5 and 6, Block 1, Easton Heights Second Addition to the City of Tulsa, Oklahoma.

8912

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of setback requirements from 85' to 78' from the centerline of 101st Street, per plot plan, in an RS-1 District located at 4323 East 101st Place South.

Presentation:

Charles Sublett submitted the plot plan (Exhibit "K-1") requesting a variance of the setback requirements from 85' to 78' from the centerline of 101st Street South in order that the existing patio might be covered. He advised that the required setback cannot be met because of the lot configuration. If the setback from 101st Street South is met, then the restrictive covenant front building setback could not be met.

8912 (continued)

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) approved a Variance (Section 430-Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of setback requirements from 85' to 78' from the centerline of 101st Street South, per plot plan, in an RS-1 District on the following described tract:

Lot 3, Block 1, Forest Oaks Addition to the City of Tulsa, Okla.

8913

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 9737 North Memorial.

Presentation:

Joe Grider, representing the applicant, requested permission to use the property for church purposes and submitted a plot plan (Exhibit "L-1"), advising that there had been no objections from the surrounding residents. It was noted that the structure as shown on the plot plan is located 97' from the centerline of Memorial. Upon questioning, Mr. Grider advised that his clients would have no objection to the structure being setback 110' from the centerline of Memorial for right-of-way purposes in the future.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church purposes, subject to the structure being setback 110' from the centerline of Memorial, in an AG District on the following described tract:

The S/2 of the N/2 of the SW/4 of the SW/4 of Section 21, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

8920

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 20' to 16' in an RS-3 District located at 8117 East 23rd Street.

Presentation:

R. G. Warriner submitted the plot plan (Exhibit "M-1") requesting a variance of the rear yard requirements in order that he might construct a bedroom and bath onto the existing structure which would bring the structure to within 16' of the property line. He pointed out that the property to the rear of the subject property is acreage and that there are no buildings within 250' of his property line.

1.22.76:204(17)

8920 (continued)

There also is a six foot screening fence on the east property line from the rear corner of the lot to the front corner of the residential structure.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 20' to 16' per plot plan in an RS-3 District on the following described tract:

Lot 3, Block 7, Virginia Lee Addition to the City of Tulsa, Oklahoma.

8925

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 25' to 21' in an RS-2 District located at 3452 East 75th Place.

Presentation:

Weldon Gamel submitted the plot plan (Exhibit "N-1") requesting a variance of the rear yard requirements from 25' to 21' in order that he might build the proposed residence on the property without losing a large tree that would require removal if the 25' setback is met. The lot also has a steep hill, is 22' above the street and would require a large retaining wall.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 25' to 21', per plot plan, in an RS-2 District on the following described tract:

Lot 4, Block 6, Denwood Estates Addition to the City of Tulsa, Oklahoma.

8927

Action Requested:

Minor Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630) for a variance of the setback requirements from 50' to 32' from the centerline of 11th Street to permit a pole sign in a CH District located at 3208 East 11th Street.

Presentation:

T. C. Blair submitted the plot plan (Exhibit "O-1") and a photograph (Exhibit "O-2") of the proposed sign, advising that he is proposing to place an additional sign on the existing pole.

1.22.76:204(18)

8927 (continued)

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved a Minor Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630) for a variance of the setback requirements from 50' to 32' from the centerline of 11th Street to permit a pole sign, subject to the customary sign removal contract, in a CH District on the following described tract:

Lot 24, Block 2, East Lawn Addition to the City of Tulsa, Oklahoma.

8930

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build a residence across lot lines in an RS-3 District located at 1019 East 20th Street.

Presentation:

Joe Higgins submitted the plot plan (Exhibit "P-1") requesting permission to build across the lot line as his client owns both properties and this will be required to construct the residence as proposed.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build a residence across lot lines, per plot plan, in an RS-3 District on the following described tract:

Lots 13 and 14, Block 6, Mapleridge Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

8931

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 from 100' to 87.34' to permit a lot-split (L-13639) in an RS-1 District located at 4605 South Evanston Avenue.

Presentation:

Densel Williams, the applicant, was not present.

The Staff advised that the Planning Commission had approved the lot-split subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in the Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 100' to 87.34' to permit a lot-split (L-13639) in an RS-1 District on the following described tract:

The East 110' of the West 213' of the North 1/2 of the North 1/2 of Lot 4, Claypool Addition; LESS the East 22.66' of the South 80' thereof, an Addition to the City of Tulsa, Oklahoma.

COMMUNICATIONS:

Communication:

This is a communication (Exhibit "Q-1") from the Building Inspector questioning whether or not an amateur radio transmitting tower 26' in height, but which can be cranked (extended) to 37', constitutes a 26' structure for the purpose of compliance with the 26' height limitation of structures in an R District.

Paul Jenkins, Building Inspector, submitted a plan (Exhibit "Q-2") to the Board explaining his question.


In discussion and review of the subject request and a previous application before the Board,

on MOTION of PURSER, the Board (3-0) reaffirmed its previous determination that the base, or tower, is separate from the antenna, not to be considered the entire structure; therefore the tower is limited to 26' in height, while there is no limitation to the height of the antenna.

There being no further business, the Chair declared the meeting adjourned at 5:20 p.m.

Date Approved

February 5, 1976


Acting Chairman