

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 206  
Thursday, February 19, 1976, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Blessing Guerrero Smith	Jolly, Chairman Purser, Mrs.	Edwards Etter, Mrs. Gardner Jones	Jenkins, Building Inspector Dept. Linker, Legal Dept.

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

UNFINISHED BUSINESS:

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.

Russell Linker, Assistant City Attorney, requested a continuance of the subject application to April 15, 1976 as there is litigation pending.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) continued application 8770 to April 15, 1976, 1:30 p. m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

8873

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 Building Inspector) for refusing to issue a permit to enlarge an existing commercial structure in an IL District located at 4702 South 103rd East Avenue.

8873 (continued)

Presentation:

Bill Buffington, the applicant, was not present.

Mr. Gardner requested that the subject application be continued to March 4, 1976 in order that the Planning Commission's recommendation to the City that they instruct the Building Inspector to issue the building permit might be transmitted and reviewed by the City Commission. He pointed out that the application can be dismissed on March 4, if the City Commission favorably responds to the Planning Commission recommendation.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) continued application 8873 to March 4, 1976, 1:30 p. m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

NEW APPLICATIONS:

8944

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to erect two duplexes in an RS-3 District located north and west of 26th Street and 91st East Avenue.

Presentation:

C. R. JoHansen, the applicant, was present.

Mr. Gardner suggested that the application be continued to await the outcome of a special zoning study which is presently being undertaken within this particular area as was directed by the Board recently in connection with a similar application across the street.

Mr. JoHansen objected to the continuance as previous duplex approval had been obtained for the use of the property, but the approval had expired prior to the property being developed. He did not feel that the area had changed to such a degree that the use would be incompatible.

Upon questioning by the Chair, it was the consensus of the Board that the application could be heard this date, but that a decision would be delayed until such time as the special study had been reviewed. Mr. JoHansen agreed to the continuance at this point in the hearing.

Protests:

There were unnamed protestants present, but no comments were received at this time.

8944 (continued)

Board Action:

On MOTION of BLESSING, the Board (3-0) continued application 8944 to March 4, 1976, 1:30 p. m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

8932

Action Requested:

Variance (Section 920 - Accessory Uses Permitted in Industrial Districts - Under the Provisions of Section 1670) for a variance to permit the use of a mobile home for security guard headquarters in an IM District located at 701 West 41st Street.

Presentation:

C. L. Strance, representing Boyle Services, Inc., submitted a plot plan (Exhibit "A-1") and advised that Boyle Services is proposing to locate a mobile home as shown on the plan for security guard purposes. Upon questioning, Mr. Strance noted that Boyle Services plans eventually to construct a building for the security guard, but there is no definite time set for the completion of that project. He described the area surrounding the subject property feeling that the use would be compatible with the area.

Mr. Gardner pointed out that the Board should determine whether or not the request is accessory to the industrial use and whether or not a time limitation should be imposed.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved a Variance (Section 920 - Accessory Uses Permitted in Industrial Districts - Under the Provisions of Section 1670) for a variance to permit the use of a mobile home for security guard headquarters for a period of two years, finding the use is accessory to the principal industrial use in an IM District on the following described tract:

Beginning on the South line of Section 23, Township 19 North, Range 12 East, Tulsa County, Oklahoma; 520.99' West of the SE corner of SW/4, SE/4, of Section 23; thence West 360'; thence North 400'; thence East 360'; thence South 400' to the point of beginning, LESS the West 108.9' and LESS the East 30' thereof.

8933

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to allow a duplex; and a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build across a lot line in an RS-3 District located at 235 South Pittsburg Avenue.

Presentation:

Charles Sublett, representing the applicant and property owner, submitted a plat (Exhibit "B-1") of the area and photographs (Exhibit "B-2") of the subject property, advising that his client is proposing to utilize the subject property by attaching a residential structure to the existing structure on the property in order that she might rent one-half of the duplex for economic purposes. Mr. Sublett noted that the proposed structure is compatible with the neighborhood. Mr. Sublett described the area surrounding the subject property, noting that the property is located between the commercial area on Admiral and Will Rogers High School which is located one block south of the subject property. He also pointed out there are many properties within the area that have been approved for duplex purposes by the Board of Adjustment (Exhibit "B-3").

With regard to the request for a minor variance, Mr. Sublett advised that the subject property is actually 1 1/2 lots and the proposed location of the structure will require the variance in order that the structure might be placed across the lot line.

Interested Party:

Gary Gray, 227 South Pittsburg, questioned how close the proposed structure would be located to his property, after which the Staff advised that there is a required 5' side yard setback. Mr. Gray noted that he has no objection to the applicant's proposal.

Protests:

Gus Cozey, 307 South Pittsburg, advised that the area is developed single-family and felt that duplex use would devalue the surrounding properties and set a precedent for further duplex development. He pointed out that the area is comprised almost entirely of retired persons who do not wish to see the single-family character of the neighborhood changed.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to allow a duplex; and a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build across a lot line in an RS-3 District on the following described tract:

The South Half of Lot 263, Lot 264, Rogers Heights Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements where the purpose of the screening requirement cannot be achieved on the west, south and east property lines in a CH District located at 2800 East 11th Street.

Presentation:

Linda Shaw, attorney representing Knotts American Ranch, advised of the existing structure located on the east and south property lines, noting that the structure is constructed of cement blocks and 12-15' in height. Due to a proposed expansion within the subject property, screening is now required on the east, west and south; however, due to the height of the structure and the fact that it is constructed of cement blocks, it was felt that nothing would be achieved if the screening requirement were met. Mrs. Shaw also pointed out that providing the screening to the east would require the screening to be placed on property other than that which is owned by Knotts. If the screening were required on the western boundary, the fence would then be placed within the three-foot area between the structure and the sidewalk. Mrs. Shaw submitted nine photographs (Exhibit "C-1") of the subject property and surrounding properties.

Remarks:

The Staff inquired as to whether the existing building walls were solid (no windows) and function as a screening fence and the applicant replied yes.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements on the west, east and south where the purpose of the screening requirement cannot be achieved in a CH District on the following described tract:

Lots 15, 16, 17, 18, 19, 20, Block 3, Signal Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to establish a one-room office on the premises to conduct a mail order business for a period of not more than six months in an RS-3 District located at 1924 South Florence Avenue.

Presentation:

Mark Harris requested permission to establish a one-room office in his home in order that he might conduct a mail order operation for All American Sports Industries, noting that the majority of the business will be through institutions rather than individuals. He noted that he will be on 20 school bidding lists throughout north-eastern Oklahoma and will be accepting orders from various educational institutions with the deliveries being made to the schools themselves unless there should be some odd case lots which he would then store in his servants' quarters and one-half of his garage. Mr. Harris felt that he would be well enough established within six months that he could then afford to rent mini-storage facilities for his office and

the storing of any odd sporting goods that he might have on hand. Mr. Harris pointed out that United Parcel Service is the carrier for the Company and he does not expect that there will be very many deliveries required to be made to his home, pointing out that he will not accept individual orders until the International Petroleum Exposition is held. Should it be required, goods can be delivered to the proper buyer and broken down at that location rather than on his property. Mr. Harris pointed out that he had filed an application before the Board in order that he might operate under the regulations of the City and also in order that he might receive his distributorship license as he has not yet begun his operation.

Protests:

Bill Grimm, attorney representing Alma Haddock of 1923 South College, advised that the area is developed primarily single-family residential, that the homes are well-kept and well-landscaped. He did not feel that the operation for a period of six months would harm the area, but expressed concern that permanent approval of the application could provide an increase in traffic and area activities in addition to devaluing properties in the immediate area. Mr. Grimm felt that approval of the application would destroy the aesthetics of the area and felt that storage would be unsightly to the area. He pointed out that there were six protestants present who felt as Mrs. Haddock with regard to the applicant's request.

Bob Gardner, 1928 South College, speaking as a protestant, advised the Board that there are no home occupations within the well-established residential area which have been approved by the Board and the area residents do not want to see any because the uses would be a detriment to the residential area. He noted that the property values in this area have been increasing each year due to the fact that it is strictly residential. Mr. Gardner felt that if the applicant were in a position to go into business, that he should be in a position to also rent mini-storage facilities in which to store his merchandise. Mr. Gardner felt that approval of the subject application would set a precedent for similar businesses, creating business traffic and storage of goods in a quiet, quality residential area.

Mr. Harris, in answer to a Board Member's question regarding the posting of bond, advised the Board that he would be willing to post a bond and stipulate that he would not store goods anywhere other than in the servants' quarters and one-half of his garage structure, and further advised that he would utilize United Parcel Service only for delivery purposes which would be once or twice a week. After further discussion, Mr. Harris advised he would be willing to rent a mini-storage facility for the purpose of storing his goods and to require deliveries to be made other than at his residence if the Board so imposed, feeling he should be able to afford mini-storage warehousing in two months. He pointed out to the Board that there are others in the neighborhood who utilize United Parcel Service for deliveries each week.

Board Action:

BLESSING moved to approve the request including storage and the delivery of goods by United Parcel Service for a period of six months at which time other arrangements were to be made. This motion dying for the lack of a second,

on MOTION of SMITH, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to permit a one-room office on the premises to conduct a mail order business for a period of not more than six months, with the understanding that there is to be no storage on the premises and no deliveries to the applicant at this location, in an RS-3 District on the following described tract:

Lot 5, Block 9, Hickory Manor Addition to the City of Tulsa, Oklahoma.

Immediately following the Board's action, Mrs. Norma Edwards, 1928 South Florence, questioned and was advised that the approval would permit no storage on the property, after which she stated she had no objection. Mr. Grimm advised the Board that he felt the approval granted would set a precedent and open the door for other such applications within this residential area.

8936

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an RM-2 District located at 701 South Phoenix Avenue.

Presentation:

Sharon Hill requested permission to operate a home beauty shop in her basement, advising that she plans to have only one chair with no more than two patrons at any one time, and that she plans to operate between 8 a.m. and 5 p.m., five days a week and possibly a half day on Saturday in addition to one evening a week. With regard to parking, Mrs. Hill advised that the patrons would be parking on-street, pointing out that there is a lot of on-street parking throughout the neighborhood.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop, six days per week, (Monday through Saturday) in an RM-2 District on the following described tract:

The West 70.2' of Lot 26, Block 2, Mitchell-Crosbie Addition to the City of Tulsa, Oklahoma.

8937

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery in an RM-2 District located at 1347 East 62nd Street.

Presentation:

Fred Swanda submitted a site plan (Exhibit "D-1") and requested permission to operate a children's nursery as an amenity to the apartment development in the area. He pointed out that there will be no outside alterations to the existing structure, but that modifications will be required on the inside as required by the Health Department. Upon questioning, Mr. Swanda advised that there is a day care center on 61st Street, west of Peoria Avenue.

Mr. Gardner pointed out for the Board's information that the area is redeveloping multifamily.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery in an RM-2 District on the following described tract:

The South 134.4' of the East 152.68' of Lot 8, Block 1, Valley View Addition to the City of Tulsa, Oklahoma.

8938

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an RS-3 District located at 9422 East Newton Street.

Presentation:

Pat Weddle requested permission to operate a home beauty shop between the hours of 8 a.m. and 5 p.m., weekdays and Saturday, in addition to one evening per week. She noted that she would have no more than three patrons at any one time and that two automobiles can be parked in her driveway.

Protests: None.

The Staff submitted a letter (Exhibit "E-1") of support from an area resident.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop subject to the shop being closed on Sundays, in an RS-3 District on the following described tract:

2.19.76:206(8)



Lot 6, Block 13, Amended Plat of Van Acres Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) for a variance of the front setback requirements from 55' to 35' from the centerline of Trenton Avenue in an IM District located at 108 North Trenton Avenue.

Presentation:

Clarence Barton, Vice President of Dresser Engineering Company, submitted a plot plan (Exhibit "F-1") requesting a variance of the front setback requirements from 55' to 35' in order that a 16,400 square foot fabrication shop might be constructed on the subject property which contains an existing structure. At present the shop will employ 40 persons, ultimately 90 persons will be employed in the fabrication shop. The variance in the front setback is required in order that there will be 58' clearance in the rear to provide 3200 square feet of additional usable space for the storage of materials and equipment and for turn-around room for the large semi-trailer trucks. Mr. Barton further advised, upon questioning, that the existing structure is located 45' from the centerline of Trenton while the proposed structure would be located 35' from the centerline. Upon questioning, Mr. Barton described the area surrounding the subject property, pointing out that there are railroad tracks to the north, and Trenton Market is located to the south on the property line closer to the street than the proposed new building, with the nearest residence being 200' from the property. Upon further questioning, he noted that access to the property is via Trenton.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) for a variance of the front setback requirements from 55' to 35' from the centerline of Trenton Avenue, per plot plan, in an IM District on the following described tract:

That part of the SW/4 of the SE/4 of the SW/4 of Section 31, Township 20 North, Range 13 East of the Indian Base and Meridian, more particularly described as follows:

Beginning at a point on the South line of the SW/4 of the SE/4 of the SW/4 of Section 31, Township 20 North, Range 13 East, 368.50' East of the Southwest corner of said SW/4, SE/4, SW/4; thence North a distance of 425.21' to a point of intersection with the Southerly line of the right-of-way of the St. Louis and San Francisco Railway Company; thence in a Northeasterly direction along the Southerly line of the said Railroad right-of-way to a point of intersection with the East line of said SW/4 SE/4 SW/4; thence South along the said East line of said SW/4 SE/4 SW/4 a distance of 548.60' to the Southeast corner of said SW/4 SE/4 SW/4; thence West along the

South line of said SW/4 SE/4 SW/4 a distance of 296.9' to the point of beginning, LESS and EXCEPT a strip of ground 30' wide off the East side of said land conveyed to the City of Tulsa, Oklahoma, by Warranty Deed dated March 21, 1927, and recorded in Book 649 at Page 93 of the records of the County Clerk of Tulsa County, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to establish off-street parking for church use in an RS-3 District located west of Woodrow and Frankfort.

Presentation:

David Loop, representing the Tulsa Urban Renewal Authority and the Antioch Baptist Church, advised the Board that the two lots under application are being proposed for off-street parking in conjunction with the Church located to the east. Mr. Loop requested that the Board consider each property separately on its own merit, noting that Lot 19 which has 127' of frontage would provide the off-street parking that is required to keep the Church members from parking on the residential streets.

Rev. Potter, Pastor of the Antioch Baptist Church, advised that the Church is willing to meet the requirements for a parking lot.

Mr. Gardner noted that from a planning standpoint parking would be more appropriate located adjacent to and contiguous to the existing Church, but apparently there are no properties in that location available for purchase.

Upon questioning by the Board, Rev. Potter advised that there is parking available adjacent to the Church, but additional parking is required to prevent on-street parking. He stated the Church would like to have the parking located directly across from the Church, but these properties are not available for that purpose.

Protestants:

Lillie King, 350 East Woodrow Street, advised the Board that there are "No Parking" signs near the corner of Woodrow, but that the Church members always park in these spaces in addition to parking up and down the residential street in front of the residences, sometimes blocking driveways. Mrs. King felt that the area would be degraded if the use were permitted.

Mrs. Elijah Williams, 342 East Woodrow Street, advised that she lives directly across from Lot 19 and felt that the use would depreciate the value of the residential neighborhood. Mrs. Williams pointed out that the Urban Renewal Authority had advised area residents that old homes would be removed and new homes relocated within the area; however, the area residents do not support a parking lot within the residential area. Mrs. Williams expressed concern as the area residents were not

made aware that the lots under application were for sale, and noted, further, that not all residents in the area were notified of the hearing this date.

Upon questioning by the Board, the Staff advised that 56 notices were mailed, after which Mrs. Williams was advised that only property owners were sent notices, not persons renting in the area.

Mrs. Earlene Barnett, 239 East Woodrow Street, advised the Board that this is a residential neighborhood, that she had spent \$10,000 remodeling her home and she did not wish to have her property values decreased because of the Board's granting approval of the subject property.

Mrs. Pauling McFarland, 312 East Woodrow Street, advised of the parking problems that have been created by the Church members who continue to park on-street; however, the area residents are not in support of a parking lot in this area.

Mrs. Lillie Boyd, 308 East Woodrow Street, advised that this is a residential area and that she would like to see it maintained as such as she has resided in her home since 1968. Mrs. Boyd suggested that the Church parsonage be moved to one of the residential lots and that parking be provided on the lot where the parsonage is located at present and also that the nursery be moved to the north of the Church and the nursery lot be also used for parking purposes, thereby placing all Church parking in one central location. Mrs. Boyd questioned why additional parking was not required at the time the Church was expanded and suggested that Church members ride in carpools to eliminate some of the parking problems.

Mr. Loop noted that the proposed parking lot would alleviate the on-street parking problems that the area residents are experiencing at present. Because Mrs. Barnett had remodeled her home to a great extent, he felt that her concerns should be considered with regard to the one lot next to her property that has been proposed for parking. He did not feel that a vacant parking lot with a chained access and indirect lighting would be detrimental to the area on the two lots north of Woodrow Street.

Upon questioning by the Board, Rev. Potter advised the Board that the Church membership had increased approximately 125 members since the first approval action by the Board. He noted the tavern which is located in the vicinity and felt that the tavern use was much more detrimental than a parking lot would be which is to be used approximately 1 1/2 hours each Sunday.

Upon further questioning, Mr. Loop advised that the Urban Renewal Authority had purchased all the property that they were going to purchase in this area, noting that properties are sold for residential and quasi-residential purposes which includes parking.

Mrs. King questioned why the area residents were not made aware that the properties were for sale, after which Mr. Loop explained the process of selling and buying properties through the Urban Renewal Authority. Mrs. Williams advised that she lives next door to one of the

8940 (continued)

properties in question and that she was not aware that the properties were for sale. Mrs. Boyd questioned who would guard the parking lots at night, after which the Chair noted that the Board has the authority to impose certain conditions upon an applicant when approving an application which could include chaining the access point as has been proposed by the applicant. At this point, Mr. Loop requested that any approval granted be subject to the lots being chained and locked when not in use.

Rev. Potter advised the Board that the Church's parking lots are well-kept, that there has been no vandalism on the lots, and that the Church is more concerned with the integrity of the parking lots and their affect upon the neighborhood than the area residents.

Board Member Smith reviewed the Board's previous action which granted approval of the Church and related uses, with regard to the Church not being restricted to expansion so long as parking requirements and Code requirements are met.

Board Action:

On MOTION of SMITH, the Board (3-0) denied application 8940 in an RS-3 District on the following described tract:

Lot 2, Hanlin Addition; and Lot 19, Acre Gardens Addition, all in the City of Tulsa, Oklahoma.

8941

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the frontage requirements and lot area requirements and a variance of the side yard requirements from 10' to 5' in an RM-2 District located at 51st and Nogales Avenue.

Presentation:

Charles Ford presented a plat of the subject property, advising that duplexes were proposed for the property and that the requested variances are required due to the configuration of the property and because the Planning Commission had required a redesign of the plat. Mr. Ford reviewed the plat as redesigned, advising that the plat had been approved, subject to the Board's approval of the frontage and area requirements. He pointed out that there would not be an increase in density.

Protests: None.

Board Member Smith advised the Board and any interested persons that his engineering firm had undertaken some engineering work on the subject property for the applicant; however, he did not feel that this created a conflict of interest.

8941 (continued)

Board Action:

On MOTION of BLESSING, 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 frontage and lot area requirements, and a variance of the side yard requirements from 10' to 5', per plat, in an RM-2 District on the following described tract:

Fordway Addition to the City of Tulsa, Oklahoma.

8942

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 20'; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where the purposes of the screening requirement cannot be achieved in an IM District located at 186 North Lansing Avenue.

Presentation:

Bob Lukken, representing Western Supply Division, advised the Board that the property under application is the former Bethlehem Steel Plant and the existing plant is some 30 years old. Mr. Lukken submitted a plot plan (Exhibit "G-1"), advising that Western Supply Division is proposing to expand to the north in order that a heat exchanger operation might be added to the plant grounds. He submitted a photograph (Exhibit "G-2") of the plant and surrounding area, noting that the existing structures are closer to the RM-1 District than the required 75' setback. Mr. Lukken pointed out that due to the expansion a solid screening fence is required on the east boundary; however, due to the large size of the structures he felt that the screening would serve no purpose.

David Loop, representing the Tulsa Urban Renewal Authority, advised that the property in question is within that area of the Urban Renewal Plan for industrial redevelopment.

Lou Diamond, also representing the Company, advised that the property between Independence and Haskell to the east is under contract for purchase from TURA--a portion of which is industrial.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved a 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 20'; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where the purposes of the screening requirements cannot be achieved, per plot plan, in an IM District on the following described tract:

2.19.76:206(13)

All of the following described tract of land situated in the S/2 of the SW/4 of the SE/4 and the NW/4 of the SW/4 of the SE/4 of Section 36, Township 20 North, Range 12 East of the Indian Base and Meridian, County of Tulsa, State of Oklahoma, described as follows, to-wit: Beginning at a point 14.53' South of the NE corner of Lot 4, Block 5, Sloan Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof; thence North along the East line of said Block 5, Sloan Addition, a distance of 134.53' to the NE corner of Lot 1, Block 5, said Sloan Addition; thence West along the North line of said Block 5, Sloan Addition, a distance of 120' to the NW corner of Lot 1, Block 5, said Sloan Addition; thence North 30' to the North line of said S/2 of the SW/4 of the SE/4 of Section 36; thence West along the North line of said S/2 of the SW/4 of the SE/4 of Section 36, a distance of 159.6' to a point; thence Northwesterly along the Westerly line of a street easement dedicated thereover on July 8, 1946, recorded in Book 1746, Page 522, a distance of 168.7' to a point on the East line of said NW/4 of the SW/4 of the SE/4 of Section 36; thence North along the East line of said NW/4 of the SW/4 of the SE/4 a distance of 497.7' to the NE corner of the NW/4 of the SW/4 of the SE/4 of Section 36; thence West along the North line of said NW/4 of the SW/4 of the SE/4 a distance of 180' to the East line of The Atchison, Topeka and Santa Fe Railroad right-of-way; thence Southerly along the Easterly line of said The Atchison, Topeka and Santa Fe Railroad right-of-way a distance of 803.45' to a point; thence East a distance of 201.5' to a point; thence South at an angle to the right of 89°-54'-20" a distance of 30' to a point; thence East at an angle to the left of 89°-54'-20" a distance of 395.1' to the point of beginning.

8945

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 85' to 70' from the centerline of Mingo Road in an RS-3 District located south and east of 37th Street and Mingo Road.

Presentation:

George Rackleff submitted the plot plans (Exhibit "H-1") for the three properties in question, advising that he has sold homes for two of the lots, but due to the lot configuration and minimum square footage requirement, the variance will be required in order that the homes might be constructed on the property.

Mr. Gardner noted that the Board has previously waived the setback requirements on other corner lots in the area.

Protests: None.

8945 (continued)

Board Action:

On MOTION of SMITH, 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 setback requirements from 85' to 70' from the centerline of Mingo Road in an RS-3 District on the following described tract:

Lots 1, 4 and 16, Block 3, Millwood Estates Addition to the City of Tulsa, Oklahoma.

8957

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 to permit a lot-split (L-13656) in an RS-3 District located at 6410 West 4th Place.

Presentation:

H. W. Conyers, Jr., the applicant, was not present.

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

Protests: None.

Board Action:

On MOTION of SMITH, 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 frontage requirements to permit a lot-split (L-13656) in an RS-3 District on the following described tract:

Lot 22, Partridge Addition, LESS the North 125 feet of the East 65 feet thereof to the City of Tulsa, Oklahoma.

8958

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 to permit a lot-split (L-13657) in an RS-1 District located southeast of 47th Place and Lewis Court.

Presentation:

The representative for Franklin Properties, Inc., was not present.

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

Protests: None.

8958 (continued)

Board Action:

On MOTION of SMITH, 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 frontage requirements to permit a lot-split (L-13657) in an RS-1 District on the following described tract:

The West 100' of the E/2, S/2, S/2, NW/4, SW/4, of Section 29, Township 19 North, Range 13 East, Tulsa, Oklahoma.

8959

Action Requested:

Minor Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) for a variance of the required lot area and the required frontage to permit a lot-split (L-13649) in an AG District located at 13717 East 96th Street North.

Presentation:

Floyd W. Stevens, 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 SMITH, the Board (3-0) approved a Minor Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) for a variance of the required lot area and frontage to permit a lot-split (L-13649) in an AG District on the following described tract:

The East 132 feet of the West 1/2 of the SW/4 of the SW/4 of the SE/4 of Section 10, Township 21 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

8915

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670) for a variance of the setback requirement from 100' to 97' 5" from the centerline of 15th Street to permit enclosing a front porch; and an Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement on the north where existing physical features provide visual separation of uses in an OL District located at 1841 East 15th Street.

Presentation:

The Staff advised that the Board had approved, at its previous meeting, the variance of the setback requirements from 100' to 97' 5" to permit construction on the property. At that time the question of



screening was not discussed and therefore no decision was made with regard to that portion of the application. Also, since that time, it has come to the Building Inspector's attention that the approval granted will not permit the construction as proposed due to the roof overhang of the residential structure and a clarification is needed with regard to the previous approval granted.

Kelly McNew advised the Board that the subject property backs to a garage and shrubbery on the property line which serves as a screening fence at present which he felt would be more compatible than a solid screening fence.

With regard to the Board's clarification of the original approval, Mr. McNew advised that originally the structure had a 5' overhang (porch roof); however, during the June 8, 1974 storm the foundation of the porch area was damaged and was removed and completely reconstructed at which time the overhang was reduced to 4'. He advised he was of the impression that setback was calculated from the centerline to the wall of the structure, but found that the setback was calculated from the centerline to the overhang.

Mr. Edwards advised that the Building Inspector needs cooperation from the applicant, that he needs to know exactly what is being requested and to review plans that coincide with the plans that are being presented to the Board. It was noted that the plans which have been submitted to the Building Inspector's Office are not adequate and that additional and correct plans must be submitted. Paul Jenkins, Building Inspector, advised the Board that he himself would take the plans and review the property to determine what is existing, what has been reconstructed and what is actually being requested of the Board.

Mr. Gardner felt that the Building Inspector should determine exactly what is requested prior to any further action being taken with regard to the variance. At the time the information is resubmitted to the Board, they can determine whether the advertisement is sufficient to consider all requests.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) continued consideration to March 4, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center of the clarification of the Variance and approved the Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements on the north where existing physical features provide visual separation of uses in an OL District on the following described tract:

Lot 12, Block 4, Terrace Drive Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

Communication:

This is a Communication (Exhibit "I-1") to the Staff from David Pauling, Assistant City Attorney, which provides a proposed amendment to Section 220 of the Zoning Code with regard to height limitations. Mr. Pauling notes that the only change proposed in Subsection (b) is the deletion of "aerials" and the substitution of "aerials (TV)". Subsection (c) is proposed to provide the Board's intent with regard to amateur radio towers not located in residential districts--the proposed language to also include a provision that amateur radio antennas, aerials and antenna towers exceeding 26 feet in height when located in residential districts may be permitted by the Board of Adjustment special exception approval subject to three specific requirements and limitations. The three limitations are (a) no aerial, antenna or antenna tower may exceed 70 feet in height above ground level; (b) no portion of the aerial, antenna or antenna tower, or any supporting anchor or guy line, may encroach upon the land area or airspace of any adjoining or abutting property; and (c) no ground anchor or guy line may be located beyond the front yard building setback line.

In Board discussion and action regarding the proposed language, it was the consensus of the Board that the concept is valid; however, there was some question raised with regard to the 70' maximum height limitation, as it was felt that the maximum height should be less than 70 feet.

Point of Information:

Mr. Gardner advised the Board that the County Commission will soon be proposing a resolution to allow building permits to be issued in "illegal subdivisions" (existing subdivisions which were not approved by the TMAPC). Once the resolution has been adopted by the County, the City will then be required to amend the "Statement of Policy of Minor Variances and Special Exceptions" before the Board of Adjustment to include a variance of the 300' frontage requirement and a variance of the 2 1/2 acre land area requirement in the AG District. Mr. Gardner noted that the Staff is proposing that the Board endorse such an amendment to the "Statement of Policy".

There being no objections, the Chair advised that it was the consensus of the Board that the proposal be endorsed in order that the existing developments within the County might be accommodated and that the appropriate documents be drawn up for approval signatures.

There being no further business, the Chair declared the meeting adjourned at 4:17 p.m.

Date Approved March 4, 1976

Sam W. Jolly  
Chairman