

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 207
Thursday, March 4, 1976, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Blessing
Guerrero (in 1:37 p.m.)
Jolly, Chairman
Purser, Mrs.
Smith

STAFF PRESENT

Edwards
Etter, Mrs.
Gardner
\ Jones

OTHERS PRESENT

Jenkins, Building
Inspector's Office
Pauling, Legal Dept.

Chairman Jolly called the meeting to order at 1:32 p.m. and declared a quorum present.

MINUTES:

On MOTION of SMITH, the Board (4-0) approved the Minutes of February 5, 1976 (No. 205) and the Minutes of February 19, 1976 (No. 206).

SPECIAL REQUESTS:

8894

Action Requested:

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

Presentation:

A. C. Saint, the applicant, was not present. The Staff advised the applicant had requested a continuance to April 15, 1976 as his plans were not yet ready for presentation.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) continued application 8894 to April 15, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

8950

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to permit a driveway to a parking lot; and Exception (Section 1680 (g) - Special Exceptions) to use property for parking; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening requirement cannot be achieved in an RS-3 District located at 1564 East 19th Street.

8950 (continued)

Presentation:

The Staff submitted a communication (Exhibit "A-1") from Charles Norman, attorney representing the applicant, requesting a continuance of the subject application to April 15, 1976 to await the TMAPC Staff Study that has been requested by the TMAPC relating to the immediate vicinity of the subject application.

Protests:

There were protestants present in agreement with the requested continuance and the Staff submitted a communication (Exhibit "A-2") from the District 6 Chairman requesting a continuance of the application until such time as the TMAPC Staff Study has been completed.

Board Action:

On MOTION of BLESSING, the Board (4-0) continued application 8950 to April 15, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

UNFINISHED BUSINESS:

8053

Action Requested:

Appeal (Section 1650 - Appeals from 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 Lewis Avenue.

Presentation:

Frank Moskowitz, the applicant, was not present. The Staff advised that he had been notified on various occasions of the presentation of the application.

Board Member Smith advised the Board that he had spoken with Mr. Moskowitz, who advised he knew nothing of the application as it was filed in his name by someone other than himself.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) struck application 8053 from the agenda.

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.

Presentation:

Bill Buffington, the applicant, was not present.

Mr. Gardner advised the Board that the Planning Commission had requested that the City Commission direct the Building Inspector's Office to issue a permit for the construction as the difference would have required only an additional three inches of concrete on the existing slab. The City Commission did direct the building permit be issued for construction, and therefore, the application may be dismissed at the Board level.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) dismissed application 8873 as no further action was required from the Board.

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) to permit a 30' frontage to permit a lot-split (L-13642) in an RS-3 District located at the northeast corner of 26th Street and 91st East Avenue.

Presentation:

Mr. Gardner submitted to the Board a copy of the Special Land Use Study (Exhibit "B-1") for the area south of Skelly Drive between 26th Street South and 92nd East Avenue, advising that the Study, which was requested by the Board, provides a description and evaluation of land uses within the Study area and provides a guideline and recommendation for Board policy regarding modification of RS-3 uses. He pointed out that the need for a development guideline is evidenced by the number of vacant tracts whose development may be influenced by a number of diverse factors. Issues regarding the type of development best suited for the area have generally been limited to duplex versus single-family because of the relatively narrow development potential. The area is zoned OL, RS-3 and RD and because duplex development has occurred both within the RD District and by Board of Adjustment exception within the RS-3 District, single-family development of the undeveloped tracts is questionable. Therefore, in preparing the Study, the Staff surveyed existing features with a view to potential duplex development which could be accomplished by exception via the Board.

Mr. Gardner reviewed the development patterns in the Study area, pertinent zoning, Board of Adjustment actions and the District Court decision that were reviewed with regard to the Study. Also, because of its proximity to Mingo Creek, the Study area has been, and is presently, included within Flood Hazard Areas recognized by the City of Tulsa. However, since the time of earlier zoning and Board applications discussed,

the properties now specifically included are fewer in that everything west of the two cul-de-sacs have been excluded by the most recently adopted maps. Except for five tracts on the east side of the northern cul-de-sac and the two parcels fronting on 92nd East Avenue north of 24th Street, all of the undeveloped tracts are outside any presently recognized Flood Hazard Areas.

Mr. Gardner summarized the Study, pointing out the three areas on the Study map which should be given favorable consideration for duplex development--the areas including the subject property and property under application 8944. In addition to the three areas mentioned, Mr. Gardner noted that the four tracts facing 90th East Avenue on the east side of the street should also be considered for either duplex development or OL zoning.

With regard to the street system, Mr. Gardner pointed out that the capacity of the system to carry additional loads generated by duplex development, while important for overall development of the Study area, is not a criterion which speaks directly to the issue of duplex versus single-family development. There is a need for completion of the unimproved portions of the streets in the area and that need would be greater where duplex development generates greater traffic volumes. However, it is important that whether duplex or single-family, the solution to access problems for the subject tracts would accommodate duplex development as well as single-family. For this reason, the Staff felt that the condition of the existing street system, while a matter of real concern for any proposed development in the area, should not be used as a reason to deny a duplex exception, especially where such development is found to be compatible in other respects.

Because of the single-family development within the Study area, the Staff felt that the quality single-family homes should be protected and suggested guidelines to the Board for insuring comparable and compatible duplex development with the existing single-family homes--minimum floor area excluding garages or carports, minimum of 50% masonry exterior construction, wood shingle roofs, conceptual or detailed site plan, and screening fences.

Mrs. Ruth Cook submitted a plot plan (Exhibit "B-2") and design plan (Exhibit "B-3"), requesting permission to erect four duplex structures on the subject property which is approximately one acre in size. In presenting the design plan, Mrs. Cook advised that each structure would be a total of 2,100 square feet in size, each unit would have two bedrooms and one bath, the exterior would be of brick veneer and a composition roof. Upon questioning by the Board, Mrs. Cook estimated that the average size of the single-family structures in the area is 1,500 to 2,000 square feet, pointing out that the roof area of the proposed duplex structures would be comparable.

Protests:

Roy Fritze, 2419 South 91st East Avenue, advised the Board that he had been a property owner in this particular neighborhood for 15 years and that he has attended many zoning hearings which included TMAPC Staff recommendations. He pointed out that Rockwell Park floods during each

heavy rain, that 26th Street is under consideration for a paving district from I-44 to the east line of the subject property, and that 24th Street has been dedicated only on the south. Mr. Fritze pointed out he was not against duplexes, but against the fact that there are no improved streets and no storm sewers to handle additional development within the area. He questioned how the recommendation of the Staff had changed during the past four years and questioned how many families would be accommodated in the area if duplexes were developed throughout. He expressed concern with flooding, streets, storm water runoff and density in this Study area. Mr. Fritze felt duplexes would be appropriate directly to the west of his home, but did not feel the use should be extended south on 91st East Avenue.

Ernest Theissen, 2501 South 91st East Avenue, questioned the Board, after which Mr. Gardner reviewed once again the Study map with regard to RD and RS-3 duplexes within the area, pointing out the RS-3 area which the Staff feels is appropriate for duplex development--the area containing three existing single-family homes. Mr. Gardner stated that the Board would decide at the time an application is made what type of construction will be permitted. The Chair advised Mr. Theissen that the development of the area is controlled at the Board level so as to insure compatibility. Mr. Theissen questioned road improvements in the area, feeling that the roads and drainage should be more carefully considered if additional families are to be permitted in the area.

Dr. William Kidd, 2509 South 91st East Avenue, questioned the outcome of the Study as there are only seven duplex structures in the area and questioned how the Staff's recommendation could change in four years. He pointed out that duplex approval would surround the three existing single-family homes on South 91st East Avenue, and felt that additional automobiles that would be generated by the duplexes would be harmful to the existing condition of 91st East Avenue.

Mr. Gardner reviewed the past zoning history of the area with regard to OL and apartment zoning applications which were filed in the area. RM-1 apartment zoning was denied by the City but RD duplex zoning was approved. He explained the reasons for the change in the Staff's recommendation which were based on changes in the area including the District Court action which granted OL in the Study area and the number of duplexes which have been approved in the area.

C. R. JoHansen, property owner in the area who is also proposing duplex development within the Study area, advised that the Street Department had told him that 91st East Avenue was to be improved and guttered, but they did not give a specific date that the improvements would begin.

Waldo Barron, 2518 South 91st East Place, advised of the drainage problems existing in the area, feeling that the grading and possible raising of the property elevations would create additional drainage runoff onto the residential properties to the east. He pointed out that there are not adequate streets or storm sewers in the area to accommodate additional structures.

Mrs. Cook felt that the drainage problems in the area would be improved, pointing out that the channel which runs through her property is not a

natural channel, but was created by an area resident to deflect runoff. Upon questioning by the Board, Mrs. Cook advised that the frontage waiver is needed to permit the lot-split and development of the four structures on the tract.

Mr. Gardner advised that the Staff supports the subject application based on the physical facts and the Skelly Bypass which runs diagonally through the area.

Board Action:

On MOTION of PURSER, the Board (5-0) approved an 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) to permit a 30' frontage to permit a lot-split (L-13642) subject to drainage plans being approved by the City Engineer, a minimum of 1,050 square feet per unit exclusive of porches and garages, minimum 75% masonry construction exclusive of windows and door openings, and composition shingles, per plot plan, in an RS-3 District on the following described tract:

Lot 7, Block 4, Memorial Acres Addition to the City of Tulsa,
Tulsa County, Oklahoma.

Action Requested:

Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670) for a variance of the front setback requirement from 100' to 97' 5" from the centerline of 15th Street to permit enclosing a front porch in an OL District located at 1841 East 15th Street.

Presentation:

Kelly McNew advised the Board that he had met with the Building Inspector and made changes in the application as had been requested.

Paul Jenkins, Building Inspector, submitted two photographs (Exhibit "C-1") of the structure in question advising that the applicant had indicated he was enclosing an existing porch when in fact he has removed the original porch and enlarging the structure. The applicant had requested a setback from the centerline of the street to the structure wall, when the setback should also include the overhang which has been created by the addition of a room above the porch area. The first variance requested was for a 2' 7" modification, while Mr. McNew actually needs a 6' 3" variance because of the overhang.

Upon questioning, David Pauling, Assistant City Attorney, felt that the application should be readvertised for the setback variance as the specific amount was advertised and the applicant now requires a variance greater than that which was advertised. Mr. Pauling also felt that possibly there was a square footage problem involved and that a waiver of the floor area ratio would be required to permit the proposed construction.

Mr. McNew submitted his plot plan (Exhibit "C-2") to the Board and plan (Exhibit "C-3") which has a temporary building stamp, explaining the various footages of his residential structure (both stories), the maid's quarters, and the porch area and the fact that his lot is 13,350 square feet in size. In extensive discussion by the Board, Staff and applicant, it was felt that the application should be continued in order that the applicant might meet with the Board Staff and Building Inspector, discuss the application, and present at the April 1 meeting all pertinent information in a form that can be finalized prior to the Board's review.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (5-0) continued application 8915 to April 1, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center and directed the applicant to meet with the Board Staff and Building Inspector's Office.

8922

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 requirements cannot be achieved; and a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) for a variance of the front setback requirement from 110' to 99' to permit a cashier's building in a CS District located at 7701 East 21st Street.

Presentation:

Steven Cox presented the plot plan (exhibited at earlier hearing) and requested a variance of the front setback requirement to permit a cashier's building similar to those in two photographs (Exhibit "D-1") which he submitted. With regard to the screening request, Mr. Cox advised that he is required to screen the western boundary of his property; however, a street separates the subject property from a two-story multifamily development and the screening fence six feet in height would serve no purpose.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (5-0) approved an 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 requirements cannot be achieved; and a Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts) for a variance of the front setback requirement from 110' to 99' to permit a cashier's building, per plot plan, in a CS District on the following described tract:

A tract of land situated in the SW/4, SW/4, SE/4, SE/4 of Section 11, Township 19 North, Range 13 East, Tulsa County, Oklahoma, described as follows: Beginning at the SW corner of the said SW/4, SW/4, SE/4, SE/4, (said corner being the intersection of the center-lines of 21st Street and 77th East Avenue), thence East parallel with the South line of the said SW/4, SW/4, SE/4, SE/4 for 30 feet, thence North 50 feet to the point of beginning; thence East parallel with the South line of the said SW/4, SW/4, SE/4, SE/4 for 150 feet, thence North 150 feet, thence West 150 feet, thence South 150 feet to the point of beginning.

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 Ave.

Presentation:

C. R. JoHansen advised the Board that duplex approval had been granted for the subject property in 1968; however, the exception had expired and it was necessary to again request permission to erect duplexes on the property. Mr. JoHansen submitted his plot plan (Exhibit "E-1") which included floor plans and elevations, advising that he is proposing 1,950 square feet per duplex structure, composition roof, brick veneer, and fencing for the back yards. Each unit will have two bedrooms, one bath, either a gable or hip roof, and white composition shingles. Mr. JoHansen advised that the Street Department had told him they have specifications for the paving and guttering of 91st East Avenue, therefore, he was told not to pave his portion but provide only gravel which would be approved by the Street Department until such time as the entire street is improved.

Upon questioning by the Board, Mr. JoHansen advised that he could accommodate only 950 square feet per unit due to the size of the tracts.

Board Member Purser felt that the proposed duplexes were not of the quality that should be approved in this area, feeling that garages should be provided rather than carports, after which Mr. JoHansen advised that the structures will cost approximately \$45,000.

Protests:

Waldo Barron, 2518 South 91st East Place, felt that the proposed duplexes were substandard compared to those approved earlier in the meeting for this same Study area (see Case No. 8908 for details of Special Study). He expressed concern with regard to property values in the area and felt that the standards of the previous application should be considered.

Ernest Thiessen, 2501 South 91st East Avenue, reiterated his concerns with regard to drainage, streets, storm sewer adequacy in addition to feeling that the proposed duplexes were not of a quality that would be comparable to the surrounding development. Mr. Thiessen also felt that garages rather than carports should be required.

Mr. JoHansen advised that the tract is 1.5 acres in size and would not create additional drainage problems in the area.

Board Member Purser advised that she was not opposed to the square footage proposed for the development, but concerned with both entrances being seen from the street and felt that the doors should be rearranged so as to make the structure appear to be a single-family residence rather than a duplex.

Board Action:

On MOTION of GUERRERO, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 207 - Duplex Dwelling) to erect two duplexes, subject to the drainage plans being approved by the City Engineer, a two-car garage being provided for each dwelling unit, a minimum floor area of 1,950 square feet exclusive of garage and porches, minimum 75% masonry construction exclusive of windows and door openings, and composition shingles, in an RS-3 District on the following described tract:

Lots 7 and 8, Block 14, Indian Acres Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

Action Requested:

Variance (Section 320 - Accessory Uses in the Agriculture District - Under the Provisions of Section 1670) for permission to operate a poodle grooming business in an AG District located at the southwest corner of 108th Street and South Houston Avenue.

Presentation:

Jo Downer submitted a plot plan and floor plans (Exhibit "F-1") for the residential structure that she and her husband are proposing to construct, advising that an additional room will be constructed behind the house and will not be visible from the front of the structure in order that she might operate a poodle grooming business in her home in the evenings and on Mondays if the Board should approve her request. Mrs. Downer stated that she has a grooming shop in a commercial shopping center and that her shop in the home will only be part time. She also noted she is aware of the regulations of a home occupation.

Mr. Gardner advised the Board that the property is located within an AG District rather than a residential district and the Board would need to determine that the proposed use is accessory to the principal residential use as has been determined on a previous application also located within an AG District.

Protests: None.

Board Action:

GUERRERO moved to approve the application, subject to the rules of the home occupation, after which

on MOTION of PURSER, the Board (5-0) approved a Variance (Section 320-Accessory Uses in the Agriculture District - Under the Provisions of Section 1670) for permission to operate a poodle grooming business in the home upon determining that the use is accessory to the principal residential use, subject to the approval being granted for the applicant only and not to run with the land, the operation be limited to eight dogs each week, the maximum square footage of the additional structure being 16' x 16', and subject to the regulations of a home occupation, in an AG District on the following described tract:

Lot 11, Block 1, Palo Verdes Estates Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to remove the screening requirement where the purpose of the screening requirement cannot be achieved in an IM District located at 2301 East Independence Street.

Presentation:

Bert McElroy, attorney representing Arrow Speciality Company, submitted the plot plan (Exhibit "G-1") requesting removal of the screening requirement between the subject property and the RM-1 to the south as the screening fence would have to be erected through the circle drive and across the lawn in front of the operation. The new building which created the need for the screening is being located on the railroad right-of-way at the rear of the property and cannot be seen from any direction except via the railroad tracks. Mr. McElroy presented photographs and an architectural rendering of the property, noting that the junk yard would be hidden by a corner of the proposed structure. He also presented two letters of support from Mr. and Mrs. Bert Rowe and Mr. and Mrs. Lorenz Bucher who would prefer seeing the grounds of the property rather than a six foot screening fence.

Upon questioning, Mr. Gardner advised that the Staff sees no need for a screening fence with regard to the proposed structure, but would prefer screening if construction were to be proposed nearer the residential area.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (5-0) approved an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements - Under the Provisions of Section 1680) to remove the screening requirement on the south where the purpose of the screening requirement cannot be achieved for the construction of the subject building, per plot

plan and as presented, with the understanding that any additional construction within 150' of the residential area will require another application to be processed before the Board with regard to waiving the screening at that time in an IM District on the following described tract:

Part of the NE/4 of the SE/4 of Section 31, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows, to-wit: Commencing at the SE corner of the NE/4 of the SE/4 of Section 31; thence Westerly along the South line of the NE/4 of the SE/4 of said Section 31, a distance of 380' to the point of beginning; thence Westerly along the South line of the NE/4 of the SE/4 of said Section 31, a distance of 205.09' to a point; thence Northerly and parallel to the East line of said Section 31, a distance of 359.72' to a point on the Southerly Right-of-Way line of the St. Louis and San Francisco Railroad; thence Northeasterly along the Southerly right-of-Way line of the St. Louis and San Francisco Railroad a distance of 601.15' to a point, said point being 30' West of the East line of said Section 31; thence Southerly along and parallel to the East line of said Section 31, a distance of 417.53' to a point; thence Westerly and parallel to the South line of the NE/4 of the SE/4 of said Section 31, a distance of 150' to a point; thence Southerly and parallel to the East line of said Section 31, a distance of 150' to a point; thence West and parallel to the South line of the NE/4 of the SE/4 of said Section 31, a distance of 200.00' to a point; thence Southerly and parallel to the East line of said Section 31, a distance of 21.00' to the point of beginning.

8947

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 6317 South 103rd East Avenue.

Presentation:

John Goedeche requested permission to maintain a mobile home on the subject property for an additional year in order that he might care for his elderly mother, pointing out that the application has been approved the past two years.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home for a period of one year, subject to the customary removal bond, in an RS-3 District on the following described tract:

The West 327.5' of Lot 2, Block 6, Union Gardens Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a car wash in a CS District located at 5340 Charles Page Boulevard.

Presentation:

C. L. Tipton submitted the plot plan (Exhibit "H-1") requesting permission to operate a six-bay, self-service, 24-hour car wash facility on the subject property which presently contains a service station structure which will be removed from the property.

Upon questioning by the Board, Mr. Tipton described the area surrounding the subject property, pointing out that there is a church to the east and to the southwest and neither have expressed opposition to the proposed use. Also, there is a trucking company located to the south. The nearest residential structure is approximately 300' from the subject property located on South 54th West Avenue.

W. L. Evans, builder of the proposed car wash facility, advised that the facility being located 100' from the centerline of Charles Page Boulevard would better locate the facility on the property; however, the Chair noted that the setback was not advertised and is not properly before the Board at this time. The application could be continued until such time as the setback was advertised if the applicant so desired, or a decision on the Exception could be made at this time. Mr. Evans advised that the setback question was not that critical if a decision could not be made today.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (5-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a car wash facility, per plot plan, in a CS District on the following described tract:

Lot 12, and the North 100' of Lot 13, Block 2, Vern Subdivision to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Section 340 - Mobile Homes) to locate a mobile home in an AG District located at 17000 East 11th Street.

Presentation:

M. C. Williams requested permission to locate a mobile home on the subject property in order that he might watch over his cattle. Upon questioning, he advised that he has leased the 185 acres of land and the lease does not run out for four years. The two-story structure located on the property is used for hay storage, there are no other mobile homes in the area, and he noted he does not plan to build on the property since he is leasing.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (5-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture Districts - Section 340 - Mobile Homes) to locate a mobile home for a period of four years in an AG District on the following described tract:

The W/2 of the NW/4 and the W/2, E/2, NW/4 and the W/2, E/2, E/2, NW/4, LESS the East 300', the West 300' and the South 300' in Section 11, Township 19 North, Range 14 East, Tulsa County, Okla.

8951

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect mini-storage warehouses in a CS District located at 6436 South Peoria Avenue.

Presentation:

John Volle submitted the plot plan (Exhibit "I-1"), advising that he is the present owner of the property and that he is requesting permission to erect mini-storage warehouses on the subject property as was granted by the Board in 1973; however, the approval expired in 1975. Mr. Volle advised the Board further that he was not aware of the expiration of the approval at the time he purchased the property, noting that the proposal at this time is the same layout as was proposed in 1973. In presenting his plans, Mr. Volle advised that the Code requires 150' of frontage on the arterial street in a CS District and the handle of the property was only 99'; therefore, a variance is required for that purpose.

Mr. Gardner advised that the variance of the frontage was not advertised, but may be nonconforming. Mr. Volle noted that the communication from the Building Inspector was filed with the application for the use which stated that the variance was necessary. Mr. Volle further pointed out that he was not aware of the Board's procedure and at the time of the filing requested that the Staff advise him of what action was necessary and the variance apparently was not advertised.

In Staff and Board discussion, it was determined that the property was advertised by metes and bounds, while in fact the property was platted in 1973. At the time the application was brought before the Board in 1973, the Board considered the application on appeal from the Building Inspector and approved per plot plan which provided a 99' frontage. Due to the Staff's error in not advertising the variance of the frontage, Mr. Gardner suggested that the variance be advertised at no additional cost to the applicant.

Protests: None.

8951 (continued)

Board Action:

On MOTION of SMITH, the Board (5-0) continued application 8951 to April 1, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that the frontage variance might be advertised at no additional cost to the applicant.

8952

Action Requested:

Variance (Section 420 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670) to erect a garage as a principal use on a residential lot in an RS-3 District located at 4179 North Elgin Avenue.

Presentation:

Claude Thomas submitted the plot plan (Exhibit "J-1") and requested permission to erect a garage as a principal use on the residential lot to the south of the existing residential structure, pointing out that the existing garage will be converted into a den. Upon questioning, Mr. Thomas advised he had no objection to entering into a tie contract and that he is proposing a 24' x 30' oversized two-car garage which will contain storage space.

Mr. Gardner advised the Board and applicant that the subject property is located within an FIA Flood Hazard Area and that an elevation of the property to contain the garage will be required to meet the Flood Hazard elevation which would be something less than 634'. The FIA maps are rectangular maps and take in more land than might actually be contained within the Flood Hazard Area; however, the applicant will be required to satisfy the property elevation.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) approved a Variance (Section 420 - Accessory Uses in Residential Districts - Under the Provisions of Section 1670) to erect a garage as a principal use on a residential lot, per plot plan and subject to a tie contract being entered into whereby neither of the two lots may be sold on an individual basis, and subject to information being provided that the finished floor elevation will be at least one foot above the 100-year flood elevation in an RS-3 District on the following described tract:

Lot 4, Block 8, Suburban Acres Fourth Addition to the City of Tulsa, Oklahoma.

8953

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to build mini-storage buildings in a CS District located north and east of 31st Street and the Mingo Valley Expressway.

Presentation:

David Corral submitted the plot plan (Exhibit "K-1") requesting permission to erect mini-storage buildings on the subject property per plot plan, advising that an office structure will be located to the south and that the construction will be compatible with the beige adobe stucco exterior of the office structure. An eight foot chain link fence will be provided around the mini-storage units and access will be available via the west side of the proposed office structure.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to build mini-storage buildings, per plot plan, and subject to earthen tone exterior paint being utilized as presented by the applicant, in a CS District on the following described tract:

The North 85' of the West 355' of Lot 2, ALL of Lot 1, Block 1, Helen N. Commercial Center Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1227 - Heavy Manufacturing and Industry) to operate an auto salvage yard in an IM District located at 1600 North Utica Ave.

Presentation:

David Phillips, representing the prospective purchaser of the subject property, advised that the property has been used for auto storage for several years and its present use is a salvage yard. He noted, also, that there is a salvage yard in operation to the south of the subject tract, three residences to the east, an IL District to the north and east, and the subject property abuts railroad tracks to the north and is not visible from the Cherokee Expressway. Mr. Phillips advised that the property to the south is zoned IM and has been used for auto salvage since 1955, but was converted into a metal storage operation prior to 1970 by the present owner of the subject property. Auto Salvage was used by right in the IM District prior to the amending of the Code in 1975. Mr. Phillips submitted a photograph of the subject property (Exhibit "L-1") and a photograph of the property to the south (Exhibit "L-2"), advising that the subject property will be developed similar to the property to the south in that dust-free surface will be provided in addition to proper screening. For clarification, Mr. Phillips pointed out that the railroad to the north of the subject property is so elevated that the subject property cannot be viewed from the Cherokee Expressway.

Upon questioning by the Board, Mr. Gardner advised that the Staff's primary concern is that additional auto salvage operations in this area be properly controlled and screened from the Expressway and residents to the east. However, the applicant has stated that the property cannot be seen from the Expressway and the Board should consider this point.

Protests and Interested Parties:

Frederick Funkhouser, 1609 North Utica Avenue, expressed concern with the effect that the salvage operation would have on the area, as the area residents, a majority of whom are retired, have attempted to maintain their properties in a suitable manner. He submitted a communication (Exhibit "L-3") from Elva Dykes, 1545 North Utica Avenue, who objects to another salvage yard in the neighborhood, feeling that the operation across from her property is an "eye sore".

Margaret Cox, 1623 North Utica Avenue, advised the Board that she lives across the street from the subject property which is vacant and she would have no objection if the property were properly developed.

Bertha Hannemann, 1539 North Utica Avenue, also advised the Board that she would have no objection if the property were screened, after which the Chair advised Mrs. Hannemann that the property to the west of her property is not under consideration at this time and that the Board cannot force the property owner to fence the salvage operation in existence on that property.

Mrs. Frederick Funkhouser, 1609 North Utica Avenue, advised the Board that she was representing her sister, Vida Marks, who would have no objection if the property were properly screened.

Mr. Phillips advised that a part of the property which the residents have expressed concern about is owned by the City (right-of-way); however, the prospective purchaser (Mr. Beard) will keep the area mowed. He pointed out that the Beards run a clean automobile salvage operation and would have no objection to planting rose bushes on the outside of the screening fence, as they have provided for their other salvage operations.

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1227 - Heavy Manufacturing and Industry) to operate an auto salvage yard subject to a seven foot wooden screening fence being erected and maintained along the eastern property line, subject to hard-surfacing being provided on the subject property, and subject to rose bushes being planted every six feet along the property frontage, in an IM District on the following described tract:

Lots 1, 2, 3, 4, 5, 6 and 7, Block 5, Elm Motte Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 420.2 (d) - Accessory Uses in Residential Districts - Under the Provisions of Section 1670) for a variance of the sign requirements to permit a church sign 68 square feet in size and 18' high in an RS-3 District located at 5304 South 33rd West Avenue.

Presentation:

Rev. Morris, representing Southwest Baptist Church, advised the Board that the Church is proposing to replace the existing sign and Oklahoma Neon Company had advised that there would be no problem with the size; however, Rev. Morris advised that he had found that Board approval was necessary in order that the proposed 68 square foot and 18 foot high sign might be erected. He noted that the proposed sign is far more attractive than the existing sign, in that two signs will be constructed on one pole--the Church name and a marquee.

It was pointed out by the Staff that the Church has two street frontages and is therefore permitted 64 square feet of signs, two 32 square foot signs--one on each frontage. The Church is proposing to construct two signs on one pole, a total of 68 square feet in size, rather than providing two pole signs, one on each frontage.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) approved a Variance (Section 420.2 (d) - Accessory Uses in Residential Districts - Under the Provisions of Section 1670) for a variance of the sign requirements to permit one church sign 68 square feet in size and 18 feet high, subject to the plot plan (Exhibit "M-1") being provided for the Board file, in an RS-3 District on the following described tract:

A part of the SE/4 of the NE/4 of Section 33, Township 19 North, Range 12 East of the Indian Base and Meridian, described as follows: Beginning at a point 35' West of the NE corner of the SE/4 of the NE/4 of Section 33, Township 19 North, Range 12 East; thence West 625' to an iron pipe; thence South 88.2' to an iron pipe; thence East 625' to an iron pipe; thence North 88.2' to the point of beginning, being 1.265 acres, more or less, situated in Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

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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 the northwest corner of 63rd Place and Irvington Avenue.

Presentation:

Charles Munn, representing the applicant, submitted the plot plan (Exhibit "N-1") requesting a variance of the rear yard requirements from 20' to 16' in order that the proposed addition might be constructed. Mr. Munn advised that the addition would align with other residential structures to the east.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (5-0) 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 8, Block 1, Southmont Estates Extended Addition to the City of Tulsa, Oklahoma.

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to erect a residence across a lot line in an RS-3 District located south and east of 32nd Place North and Zunis Avenue.

Presentation:

Gary Brasel, representing the applicant, submitted the plot plan (Exhibit "O-1") requesting permission to erect the proposed residence across the lot line as the structure is too large for one lot--the two lots would provide a total lot size of 50' x 150'. Mr. Brasel noted that the area was platted, but never developed and Mr. Brown is purchasing several lots in the area. Mr. Brasel also requested that approval to build across lot lines also be approved for all lots which Mr. Brown has purchased.

The Staff advised that the legal description could be modified at this time to include additional lots as this is a Minor Variance and publication is not required. It was felt that application should be made for the remaining lots that Mr. Brown owns to be considered April 1, 1976.

Mr. Brown requested that Lots 16 and 17, Block 1, Beauty Rest Addition be considered at this time in addition to the two lots in question, pointing out that the building plans have been approved and that the structure proposed for Lots 16 and 17 are similar to those presented this date with the exception of some minor modifications in the exterior construction.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to erect a residence across a lot line, per plot plan in an RS-3 District on the following described tract:

Lots 12 and 13, Block 4, and Lots 16 and 17, Block 1, Beauty Rest Addition to the City of Tulsa, Oklahoma.

ADDITIONAL ITEMS:

Communication:

This is a Communication (Exhibit "P-1") from the Building Inspector's Office requesting an interpretation of Section 1205, Community Services, Cultural and Recreational Facilities, with respect to accessories to a church. The Communication questions whether or not a gymnasium (attached or detached) is considered a customary accessory use for a church.

Mr. Gardner advised that most churches are now constructing multi-purpose buildings to be used for meetings, classrooms, and recreational facilities, including a gymnasium. The Staff feels that if there is no specific finding in the minutes other than a specific finding for that particular church, that the Board at this time should consider the question that these types of uses are accessory to churches without specific applications needing be brought to the Board. If the Board should want to clarify further, it could be stated that these buildings are multi-purpose buildings accessory to the church.

David Pauling, Assistant City Attorney, suggested that the plans provided the Building Inspector's Office show specifically that the uses are for church and church-sponsored activities only.

On MOTION of SMITH, the Board (5-0) interpreted Section 1205 (Community Services, Cultural and Recreational Facilities) to provide that a gymnasium or multi-purpose structure is a customary accessory use for church and church sponsored activities only.

Resolution:

Mr. Gardner submitted a Resolution (Exhibit "Q-1") to the Board, advising that the Board had previously approved in concept the minor variances that are being added to the Statement of Policy for Minor Variances and Special Exceptions with regard to County "wildcat" subdivisions that have been developed but never platted and approved by any governmental agency. The Staff recommended the Resolution be adopted adding the following minor variances:

- "10. A variance of the minimum 300 foot lot width requirement in an AG, Agriculture District, provided no lot width shall be less than 100 feet, and further provided that the applicant can prove that such lot was in existence prior to January 1, 1976; and
11. A variance of the minimum two acre lot area requirement in an AG, Agriculture District, provided no lot shall be less than 22,500 square feet in size, and further provided that the applicant can prove that such lot was in existence prior to January 1, 1976."

On MOTION of SMITH, the Board (5-0) adopted a Resolution adding to its Statement of Policy for Minor Variances and Special Exceptions the two minor variances as provided above.

Interpretation:

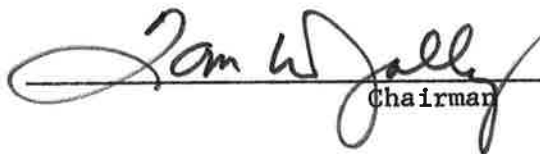
Mr. Gardner advised the Board that the Building Inspector's Office had received a request from Verdigris Valley Electric Cooperative for a full installation which includes storage, trucks, hose, etc., and not just a regulating or transmitting operation. As written, the Code provides for an electrical regulating station within Use Unit 4--these stations being located near residential areas which excludes storage. As there is no other specific place in the Code which provides for the proposed use, the Staff felt that possibly the use could be interpreted as a Use Unit 2, Area Wide Special Exception Use, being located in the AG District, pointing out that application would then be made to the Board of Adjustment for a special exception. If the Board does not wish to make a blanket interpretation, but feels that this particular use could be a Use Unit 2 operation, the Board should so instruct the Building Inspector who will in turn direct the applicant to file an application with the Board.

Upon questioning as to whether or not such a determination would withhold construction, Mr. Gardner advised that it would; however, the applicant can still grade the site and make improvements to the land which have to be done first.

On MOTION of SMITH, the Board (5-0) found the proposed use, (located within an AG District), included within Use Unit 2, Area Wide Special Exception Uses, by exception via the Board, and directed the Building Inspector's Office to so advise the applicant in order that application might be made and advertised for hearing April 1, 1976.

There being no further business, the Chair declared the meeting adjourned at 5:00 p.m.

Date Approved: March 18, 1976


Chairman