

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 209
Thursday, April 1, 1976, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Blessing	Purser, Mrs.	Edwards	Jenkins, Bldg.
Guerrero (out 4:50 p.m.)		Etter, Mrs.	Insp.
Jolly, Chairman		Gardner	Pauling, Legal
Smith (in 1:40 p.m.)		Jones	Dept. (in 1:40 p.m.)

Chairman Jolly called the meeting to order at 1:30 p.m. and declared a quorum present.

UNFINISHED BUSINESS:

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 front setback requirements from 100' to 93' 7" from the centerline of 15th Street and a request for a variance of the floor area ratio from 25% to 45+% in an OL District located at 1841 East 15th Street.

Presentation:

Kelly McNew submitted his plot plan (Exhibit "A-1"), advising that he was requesting a variance of the front setback requirements per plot plan because of a four-foot overhang on the structure and pointing out that the setback would be 97+ feet from centerline were it not for the overhang. With regard to the floor area ratio, he noted that a 25% floor area ratio is permitted in the OL District; however, his entire structure will contain 45+% if the Board approves the application--the percentage including the basement. Upon questioning with regard to the structures to the east and west of the subject property, Mr. McNew advised that the proposed structure sits no closer to the centerline of the street than other structures along 15th Street. Upon further questioning, he advised that the basement contains the heating and air conditioning units, with no particular use.

Mr. Jones submitted Staff statistics (Exhibit "A-2"), noting that the present floor ratio for the first and second stories of the structure only and the garage is 23%, that the floor ratio for the first and second stories, the garage and the proposed addition is 33%, and if the basement is included the overall floor area ratio is 45+%.

Mr. Gardner pointed out that the basement is existing; however, the first and second floors plus the expansion are the portions of the structure which are used for office use. Disregarding the basement,

8915 (continued)

the Board can permit up to 40% floor area ratio by exception as provided within the Zoning Code. The front setback was originally approved for 97' but the overhang required a readvertisement for a lesser setback.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved a Variance (Section 630 - Bulk and Area Requirements in the Office District - Under the Provisions of Section 1670) for a variance of the front setback requirements from 100' to 93' 7" from the centerline of 15th Street per plot plan, and determined that the basement is not to be included as a part of the office or residential use and approved an Exception (Section 630 - Bulk and Area Requirements in the Office Districts) to permit a 33+% floor area ratio as presented, in an OL District, on the following described tract:

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

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:

Mr. Jones advised the Board that the application was continued from a previous hearing in order that the application might be readvertised for a variance of the Peoria frontage; however, the Staff found the properties to the north and south were both platted prior to July 1, 1970 therefore the subject property has a legal nonconforming frontage on Peoria and a readvertisement is not required. The only action before the Board this date is approval of the erection of the mini-storage warehouses on the property.

John Volle submitted the plot plan (previously exhibited), advising that the previous owner had received approval of the same plan in 1973 for mini-storage warehouses on the property, but the approval had expired in 1975; therefore, the subject application is necessary in order that development of the mini-storage warehouses might take place. He further noted that the Board had no objections to the development at the previous hearing.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect mini-storage warehouses, per plot plan, in a CS District on the following described tract:

Lot 1, Block 1, Storage Acres Addition to the City of Tulsa, Okla.

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 RS-3 District located at 2444 North Boston Avenue.

Presentation:

Betty Alexander requested permission to operate a children's nursery on the subject property within the existing residential structure to provide a service for the residents in the surrounding area. Upon questioning, she advised she does not at present and will not in the future reside in the structure if the application is approved.

Mr. Gardner noted that the property is located within the middle of the residential block rather than on a corner or near a school and felt that the Board should consider the affect of the use on the properties to the north and south.

Protests:

Alonzo Batson, 2407 North Main, advised the Board that he lives directly to the west of the subject property, that his rear yard abuts the subject property, that the subject property is located in the middle of the block, that the use would have a detrimental affect on the surrounding residential properties, and that the Reservoir Protective Association does not support the application. He pointed out that there are no nurseries within the immediate area; however, he felt that the structure would be too small for a child care center and would adversely affect the residential character of the neighborhood. Mr. Batson also noted that his property is more elevated than the subject property and he looks down into the back yard of the subject property.

Mrs. Cecile Hill, 2436 North Boston, advised that the neighborhood is presently crowded, that the streets are narrow and felt that the use would devalue properties in the area.

Mrs. Frances Givens, 2452 North Boston, advised that there are three Church nurseries within a four-block radius of the area, that the streets are narrow, the property is not properly fenced for a nursery, and the area has thus far been maintained in a single-family residential manner.

Mrs. Augusta Morgan 2423 North Boston, did not feel that the residential area was a proper location for the nursery as requested.

8961 (continued)

F. C. Robertson, 2415 North Boston, advised the Board that he has been a resident of the area for 24 years, that the homes in the area are well-maintained brick structures, that the use would lower property values, that the use would add traffic and other problems to the area, and the use would be an encroachment into the residential area. He requested the application be denied.

Homer Payne, 2419 North Boston, advised that he is a member of the Reservoir Protective Association and block captain for this area and on behalf of the residents in this immediate area requested the application be denied.

The Staff also submitted a letter (Exhibit "B-1") from Zemula E. Smith, 2503 North Boston, who wishes to be considered a protestant even though out-of-state this date.

Ms. Alexander advised the Board that this residence is owned by her sister who is out of the Country, that she is caring for the residence while her sister is away, that she had felt she could rehabilitate the structure and use it for nursery purposes while her sister is away; however, her sister will be residing in the home when she returns, these are her neighbors, and she, herself, would not want to create bad feelings between the neighbors and her sister. Therefore, she advised she would rather have the application denied than cause problems in the neighborhood.

Board Action:

On MOTION of SMITH, the Board (4-0) denied application 8961 due to the location of the lot and the final remarks of the applicant, in an RS-3 District on the following described tract:

Lot 5, Block 6, Reservoir Hill Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

8976

Action Requested:

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

Presentation:

Robert Copeland, attorney representing the Antioch Baptist Church, advised the Board that the Church congregation has grown to such an extent that additional parking is needed for the Sunday morning services. The subject property is being proposed for off-street parking at this time to meet the requirements and standards for an off-street parking lot. Mr. Copeland pointed out that the subject property is not presently well-kept, but will be upgraded and cared for when developed as the parking lot. He noted that the members of the Church would then be parking off-street rather than on-street.

Rev. C. F. Potter advised the Board that the Church was organized in 1959, that the property was brought to City standards in order that the structure would not be condemned, that the property was worth \$10,000 at the time it was purchased and has been renovated to the point that the property is worth over \$100,000 at present. Rev. Potter advised that the Church may be required to move from the neighborhood if additional parking cannot be obtained. With regard to the parking lot, Rev. Potter advised that the Frankfort Place frontage will be screened, the screening to be setback 25', which will prohibit access from Frankfort Place. Also, the southeastern boundary of the property will be screened as will the north and west boundaries. To the south is a Church of Christ parking lot fronting Virgin and parking for the Antioch Baptist Church to the west. Upon questioning by the Board, Rev. Potter advised that neither Lots 7 or 3 to the north and south of the Church property are available for purchase, only the subject property is available in the area. Lots 10 and 12 of the subject block are developed residential and there is a structure on the subject property at present.

Protests:

Norma Jean Hawkins, 2210 North Frankfort Place (Lot 13), submitted a protest petition (Exhibit "C-1") containing the signatures of 33 area residents opposed to the subject application. She pointed out that the Church has, in the past, promised to erect a wooden fence on the parking lots to the west of her property, but this has never been done. There is a fence to the west of and along the rear portion of her yard which belongs to the Church; however, it is not maintained and is in need of repair at present. Mrs. Hawkins advised that most of the residents in the area are elderly, that the residents have increased the value and size of their homes and that these residents do not wish to move from the area. She also felt that the parking lots create traffic hazards.

O'Dell Jackson, 528 East Woodrow Street (Lot 10), advised the Board that there is a parking lot located to the south of his property, there is a parking lot located to the west of his property, and he is opposed to additional parking being located near his property as he would then be surrounded.

James Brooks, 534 E. Woodrow Street, advised the Board that he has resided in the neighborhood for years and he does not wish to see additional off-street parking established within the residential neighborhood as it will devalue the properties in the area.

Nathaniel Chaney, 1814 North Main, advised the Board that he owns the property located at 2206 North Frankfort Place and that he has experienced water runoff problems from the parking lot to the west of his property. The runoff which ponds in the back yard of the residence prohibits maintenance of the yard. Mr. Chaney requested that the subject application be denied.

Lillie King, 350 East Woodrow Street, advised the Board that she has purchased one of the properties which was under application previously by the Church for off-street parking, but was denied. Since she has purchased the property, members of the Church continue to park on the property and she is opposed to the Church's continued use of her property.

Rev. Potter pointed out that he advised the area residents that he would be willing to meet with the residents to discuss their complaints, but there were no residents present at the meeting. The Church does not have adequate parking at present, and any additional parking obtained would help to eliminate on-street parking. The fences on the north, south and east boundaries of the Church properties are owned by the Church and maintained; however, if the Board wishes to place additional requirements on these lots, the Church would be willing to abide by the requirements. Rev. Potter noted that the property under application for off-street parking would be utilized on Sunday mornings only.

Penny Shell, agent with the Rooney Company, advised the Board that she had spoken with Mr. and Mrs. Jackson prior to the Church's entering into the contract for purchase at which time they had no objections to the use of the property; however, they are now protesting the application. Also, she advised that as many residents as possible were notified about the meeting that was to be held at the Church to discuss the neighborhood opposition. From a property values standpoint, Ms. Shell advised that churches and church properties used for parking purposes do not detract from or lower property values.

Mrs. Hawkins again approached the Board, advising the Board that drainage problems had been created by the parking lots and noted she would be in support of the application if development and maintenance were properly undertaken. She pointed out that the residents were willing to meet with the Church prior to the Church's purchase of the property, but the Church was not willing to meet at that time. Also, most of the residents notified of the meeting were either working or had already made plans for the time and date that the meeting was to be held.

Mrs. Volene Brooks, 534 East Woodrow Street, advised the Board that she and her husband were not advised of the meeting to be held by the Church, pointed out that the neighborhood is being rehabilitated by the property owners and Urban Renewal, and felt that additional church parking would not help the development situation in the area.

Mrs. O'Dell Jackson, 528 East Woodrow Street, advised that she and her husband had reconsidered the parking lot and changed their minds with regard to supporting the subject application as they had had drainage problems for two years before the situation was corrected by the Church.

Board Action:

On MOTION of BLESSING, the Board (4-0) denied application 8976 in an RS-3 District on the following described tract:

Lot 11, Block 2, Reedlawn 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 erect a car wash in a CS District located at 3525 North Hartford Avenue.

Presentation:

Nate Mosby submitted the plot plan (Exhibit "D-1"), requesting permission to locate a four-bay, self-service, coin-operated car wash facility on the subject property--the operation to close at midnight. Lot 1, to the north of the subject property, has been vacant for six years and Mr. Mosby advised that he is in the process of remodeling the existing service station structure for future use with two of the service bays to be utilized as car wash facilities. The Staff pointed out that the approximate north 80' of the subject property will be utilized for the proposed development, at which time the applicant wished to amend his application for only that portion of the tract which will be utilized at this time.

Mr. Gardner stated that the zoning pattern in the area was a problem since residences front into the commercial zoning. He pointed out several uses permitted by right in the CS District including a tavern or pool hall which might have a more adverse affect on the surrounding properties than the proposed use. He noted that solid screening on the western boundary of the tract would prohibit access to Hartford Avenue. Access should go through the tract which the applicant also owns to the north to 36th Street North. Mr. Gardner further pointed out that screening is required on the entire western and southern boundaries of the property as the tract abuts residential development to the south and west.

Protests:

Leon Barre, 715 East 35th Street North, felt that the proposed use would adversely affect the neighborhood, pointing out that residents in the area presently keep dogs for protection.

Mrs. Charlie Frazier, 711 East 35th Street North, advised the Board that she is caring for an ill husband and elderly mother, that she had purchased her property with the intention of staying the rest of her life as she cannot afford to relocate, that she, too, keeps dogs for protection, that she had experienced some difficulty with the contractors for the project in that they were advising her that her fence would have to be removed in order that the sewer lines might be connected, and that there are many car wash facilities in the area which attract young persons in the evening hours.

Mrs. Thelma Downs, 705 East 35th Street North, advised the Board that she was also told by the contractors that her fence would have to be removed and requested that the area be maintained in its present state with no adverse affect upon the area residents.

Mrs. Barbara Townsend, 3538 North Hartford, felt that the proposed use would create additional traffic in the area and would also create a noise problem by the customers of the facility.

Mrs. Rhoda Offord, 3518 North Hartford, advised that her property is located across the street to the west of the subject property, that the use would create additional traffic on Hartford, and she questioned the location of access to and from the use. Upon questioning by Board Member Guerrero, Mrs. Offord advised that she would rather see the car wash facility than many of the other uses permitted by right in the CS District; however, if the application is granted she would request that screening be provided along the western boundary in order to prohibit access.

Mr. Mosby pointed out for the information of the Board that the proposed use will be located 170' from the rear yards of the residences to the south, that he has invested some \$90,000 in the subject property and if the car wash facility is denied he will proceed to develop the property in such a manner so as to protect his investment. With regard to the residents in the area being concerned with development in the area, he noted that the tract to the north has been vacant and vandalized for some six years. Upon questioning, Mr. Mosby advised that the only work undertaken to date had been the dirt work, pointing out that the problem with the contractors came about when the contractors were trying to determine the location of the sewer lines to the south.

Mrs. Frazier questioned who was to pay for the replacing of the shrubbery, trees and fencing in the back yards when removed to connect the sewer lines, after which David Pauling, Assistant City Attorney, advised that sewer lines are to serve all citizens and properties and the applicant will be exercising his legal right by connecting to the existing sewer to the south. If the shrubbery, etc., is located on the easement, they can be moved with no cost to the applicant as they have been located on the easement; however, public and private contractors are required to replace the fencing that must be removed to connect to the sewer system.

Mr. Barre advised of the car wash facility which was located on 36th Street North, one block away, noting the noise and vandalism problems that were experienced because of the location of the facility.

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to erect a car wash facility per plot plan, subject to the facility being operated between 8 a.m. and 10 p.m., access being provided via 36th Street North, and solid screening being provided on the western and southern boundaries of the amended portion, in a CS District on the following described tract:

The North 83 feet of the West 152 feet of Lot 2, Block 1, Chapel Hill Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 204 (c) - Limitation on Land Use) for an extension of time for a period of two years to permit the completion of CDP #69 in an RM-1, RM-2 and CS District located southwest of 66th Street and Lewis Avenue.

Presentation:

John Sublett advised the Board that CDP #69 was approved October 1, 1969 and was platted as Southern Cross. A portion of the project was completed, financial difficulties were experienced, the mortgage was foreclosed and the lending institution obtained the property, and the institution has made arrangements with Never Fail, Jr. that he take over the project and complete its development. He noted that no notice was received with regard to extensions being granted prior to July 1, 1975, possibly due to the question of ownership. He presented aerial photographs to the Board which show that development has proceeded toward completion and felt that the request for an extension of time has merit since there is no July 1, 1975 mentioned in the Code and the property is in the process of being completed.

In reviewing the Code, David Pauling, Assistant City Attorney, advised that he would have no objections to the application being approved; however, the Board should find that the project is proceeding to completion.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 204 (c) - Limitation on Land Use) for an extension of time for a period of two years to permit the completion of CDP #69, finding that the project is proceeding to completion and with the understanding that the applicant may re-appear at the end of two years for further extension if necessary, in an RM-1, RM-2 and CS District on the following described tract:

Southern Cross Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) for a variance of the front setback requirements from 100' to 88' 7" to permit an extension of the present building in a CS District located at 902 South Sheridan Road.

Presentation:

Victor Ray submitted the plot plan (Exhibit "E-1") requesting a variance of the front setback requirements in order that the existing structure might be expanded and the proposed addition in alignment with the existing structure per plan.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) approved a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) for a variance of the front setback requirements from 100' to 88' 7" to permit an extension of the present building, per plot plan, hardship based on the shape of the lot in a CS District on the following described tract:

The North 128' of the East 150' of Block 60, Glen Haven Addition to the City of Tulsa, Oklahoma.

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) to construct a screening wall or fence along lot lines in common with an R District; an Exception (Section 250.3 (c) - Modification of the Screening Wall or Fence Requirements) to permit the delay of installation of the screening fence along a part of the west and north boundaries until the installation of a required storm sewer and retaining wall along the north and west boundaries is completed; and a Variance (Section 1213.3 (b) - Convenience Goods and Services - Under the Provisions of Section 1670) for a variance of the screening requirements until the completion of a storm sewer and retaining wall along the north and west boundaries in a CS District located north and west of 61st Street and Sheridan Road.

Presentation:

Charles Norman, representing Anderson Development Company, advised that the property owned by Anderson Development has been platted into two additions, Park Plaza Center and Park Plaza Center Extended, noting that development within the center has been taking place as shown on the rendering presented. Mr. Norman pointed out those structures which have been completed, the drive-in restaurant located at the southwest corner of the center, and the parking area, noting that the screening requirement referred to in the order of the Building Inspector is on the western boundary abutting five single-family residences and along the northern boundary also abutting five single-family residences. Mr. Norman noted that Lot 2, Block 1 of Park Plaza Center is zoned CS, but vacant, and did not feel that the Code intended to require screening between the developed and vacant CS nor did it apply to the southern boundary of the CS property. There is a screening fence in existence along the west side of the drive-in establishment which is 120' deep from Sheridan. The basis for the request, Mr. Norman stated, is apparently the distance involved and the drainage ditch which exists on the west side of Park Plaza Center. In reviewing the rendering presented, he pointed out that Building "D" which has been completed is some 210' from the back of the lot where the screening requirement exists, that the parking area to serve Building "D" is some 115' from the nearest western boundary line, that the north side of Building "D" is 340' from the residential area, that the easternmost structure is 280' from the nearest residence to the east, that residences are located some 135' from the nearest parking area, and that Buildings "E", "F" and "G" with parking areas have not yet been constructed nor has construction begun.

Mr. Norman presented seven photographs (Exhibit "F-1") of the surrounding areas as viewed from the subject property, noting the changes in elevations between the subject property and the residential properties to the west and north. He pointed out that there is presently a 36" storm sewer on the west side of the drive-in restaurant which will carry drainage from 61st to the north edge of the improvement area. Also pictured was the drainage ditch which flows on the entire western boundary and connects into the 36" storm sewer. He noted that the drainage ditch appears to be entirely located on the commercially-zoned property and prior to commercial development, the storm sewer must be continued and a retaining wall constructed to

accommodate the elevation change. The eastern edge of the drop-off in the drainage ditch is 25' from the property line and the only feasible location for a screening fence is 25' from the property line--the fence then being relocated and changed when the storm sewer is provided. Park Plaza Center Addition is 15 acres in size, was platted as one lot and the screening is required on the entire boundary when the first structure is developed. If the property were platted in lots, the screening would not be required on the west and north until the structures on those properties were completed. Mr. Norman requested that the installation of the screening fence on the west be delayed, because of the topo, until such time as Buildings "F" and "G" have been constructed, and that the screening on the north be delayed on the basis that the nearest residence is some 340' away. Upon questioning as to the estimated date of construction completion, Mr. Norman advised that this could not be estimated at present because not all of the completed buildings have been occupied.

Mr. Gardner advised that the Board needs to determine whether or not the screening requirement, difference in elevations, etc., would in fact actually provide the result that is intended, which is to screen the commercial from the abutting properties. Paul Jenkins, Building Inspector, questioned what affect action taken this date would have on the existing structures which are partially occupied, noting that Buildings "F" and "G" are not a question at this time. David Pauling, Assistant City Attorney, cited Section 250.3 (c) of the Zoning Code advising that the properties to the north and west of the subject tract, which would benefit by the screening requirement, are developed, while the Section of the Code in question refers to undeveloped properties. With regard to the variance, Mr. Pauling noted that the Board is looking at a request which requires a hardship finding.

J. W. Bondurant, 6029 South Lakewood, submitted a notebook (Exhibit "F-2") of photographs of the subject property, advising that the photographs indicate what the residents to the west see when they look from their back yards to the direction of the subject property with regard to dumping, material storage and trash. At the time he purchased his property in 1966, he was assured that there was no flooding problem contemplated in the area; however, water problems have been experienced since the drive-in restaurant was constructed as the flow of water has been diverted toward the single-family residential structures. The storm of June 8, 1974 flooded many residences in the area and later a moderate rainfall again flooded the area. Mr. Bondurant cited Sections 250.1 (d) and 250.3 of the Zoning Code, feeling that the requirement pertained to the tract as a whole and not to certain buildings constructed on the tract. With regard to Section 250.3 (c), the request can only be granted if the properties abutting are undeveloped; however, Mr. Bondurant noted that the residential properties to the west and to the north are developed at this time. Because of the water problems experienced and the water which stands in the drainage ditch, the residents have been plagued with rats, mosquitoes, and snakes. He requested that the requests be denied and the screening required.

Herb Hartz, 6124 East 60th Street, advised the Board that his property abuts the subject property on the northern boundary, that he and the residents have suffered as the residents to the west with regard to water runoff. He noted that the residents had been promised screening, but now the applicant is requesting the requirement be delayed. Mr. Hartz pointed out that construction has practically ceased on the existing structures and the time element involved in the delay is years and not months. Mr. Hartz submitted a copy of a letter (Exhibit "F-3") that his neighbor had sent to Anderson Development Company requesting that something be done because of the water runoff; however, nothing has been changed to date. He submitted 13 photographs (Exhibit "F-4") which include a view of the subject property from his back yard, the earthen dam which has been constructed, the littered construction area, and piles of asphalt which have been dumped from other projects onto the subject property. Mr. Hartz pointed out that there is a problem with erecting a fence on the western boundary until the storm sewer has been constructed; however, there is not a problem involved in erecting a screening fence on the northern property line abutting the R District. Should the Board be in favor of granting the applicant's requests, Mr. Hartz requested that the approval be subject to provisions that the screening be erected in the near future.

John Murphy, 6023 South Lakewood, advised the Board that he has resided in the area for 12 years and that he had been promised that screening and a storm sewer would be provided; however, these have not been provided and the residents are experiencing flooding problems because of the ditch. He noted he is concerned with the possibility that his property value might decrease and concerned with the possible damage that might occur to his residence if the problem is not solved. Mr. Murphy felt that Mr. Anderson was taking unfair advantage of the residents, noting that the construction area is unsightly due to the debris that is being dumped on the property.

Don Harris, 6011 South Lakewood, Member of the District 18 Planning Team, advised the Board that there was room for a screening fence along the western boundary near the ditch when the development first began, however, because of the erosion that has taken place over the years there is no longer room for the fence. Should the Board be in favor of granting the requests of the applicant, the area residents may also be in favor so long as construction begins and is completed within a reasonable amount of time, but they would not support the action if the construction time were not limited.

Mrs. George Capp, 6010 East 60th Street, advised the area to the east of the subject tract is vacant commercial property, that her property abuts the northern boundary of the subject property, and advised of the experiences that the residents have dealt with with regard to the property being developed.

Mrs. Hugh Thompson, 6015 South Lakewood, advised the Board that her home was constructed some 14 years ago to the west of the ditch and that all statements made in opposition to the application are true. She advised she was not interested in the screening fence being provided to keep the lights directed away from the residential properties,

but that she would like to see the ditch repaired and maintained properly. Mrs. Thompson noted that Mr. Anderson had advised her that a retaining wall and screening fence would be provided when the commercial property was developed and that she had tried for 14 years to get something done.

Mattie Boswell, 5813 South Lakewood, advised that she had four inches of water in her garage during the June 8, 1974 storm, that she cannot get into her back yard when there is a moderate rain because of the water runoff from the commercial development, and advised of the storm water problems that the residents must experience because of the ditch.

Gennie Stevens, 5819 South Lakewood, speaking on behalf of other residents in the area, advised that she had researched the drainage with the City Engineer some 15 years ago. She noted that the water problems are not really creating a problem for her but that her neighbors are experiencing much greater a problem than she. If the problem is not corrected, she felt that all properties would be endangered.

Mr. Norman advised the Board that there is a substantial topography change between the property east of the ditch and the properties to the west, pointing out that viewing the residences from the east one can only see roofs of houses and he did not feel that screening would alleviate all problems involved. If Anderson Development Company is in fact dumping debris on the subject property, he agreed that it was inappropriate and advised that he would speak to Mr. Anderson with regard to a temporary measure to stop the drainage problem for the property owners to the north. He requested a delay in the provision that the screening be erected until such time as buildings have been constructed within a 200' distance from the western property line abutting the single-family residences. With regard to drainage, he noted that this question should be directed to other City departments and not to the Board of Adjustment at this time.

Mr. Bondurant submitted a copy of the building permit and other pertinent information (Exhibit "F-5"), advising that the building permit issued May 12, 1975 required a five-foot screening fence on the northern and western boundaries of the property, noting that on March 3, 1976 the Building Inspector's Office contacted Mr. Anderson concerning the installation of the screening fence and since no solution could be worked out he was given official notice to comply within ten days.

Diane Charles, 6053 South Lakewood, advised that the privacy of the residents is endangered if the screening is not erected and if erected, there would be a degree of privacy for these residents abutting the commercial property.

Mr. Hartz suggested a number of provisions that the Board consider in granting the extension, if they so support the applicant's request--the subject property be cleaned and maintained as clean property,

waste containers be provided on the property for construction debris, motorcycles be prohibited from the property, daily cleanup be provided on the construction site, the undeveloped area be mowed once each week until November 1, a cash bond be posted to compensate the flooded residents, a definite beginning and completion date be determined for the drainage and screening, proper drainage be provided on the northern portion of the property immediately, the northern boundary be screened even if temporarily done, the discarding of the owner's own refuse be prohibited, the storage of any other refuse on the property be prohibited, the construction and leasing be stopped until the drainage problems have been corrected, and that the owner be prohibited any lot-splits which would permit him to avoid the screening requirement.

Mr. Norman advised that he would consider temporary screening to the north, but requested a delay on the western screening until some solution has been obtained with regard to the ditch and storm sewer which has been proposed.

The Chair pointed out to all interested parties, that the question of screening, and not drainage, is before the Board this date. He did not feel that the screening on the western boundary would alleviate any problems prior to the storm sewer being provided, after which he suggested that a committee for the residents might meet with the applicant and discuss the application and its ramifications and possibly find that some solutions or agreements might be reached.

Board Action:

On MOTION of BLESSING, the Board (4-0) continued application 8984 to May 6, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that the applicant and protestants might have sufficient time in which to meet and discuss the application and issues before the Board this date with the possibility of eliminating the differences noted.

8986

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 6910 East Newton Place.

Presentation:

Billie Hurst requested permission to operate a home beauty shop between the hours of 8 a.m. and 3 p.m., Monday through Friday, advising that she is aware of the regulations of a home occupation.

Protests: None.

Board Action:

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

Lot 2, Block 4, Huffman Heights Addition to the City of Tulsa,
Oklahoma. 4.1.76:209(14)

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to permit the installation of a gasoline tank and pump in an RS-3 District located at 1129 South Florence Avenue.

Presentation:

Robert Carter submitted the plot plan (Exhibit "G-1"), advising that he has lived on the property and operated the use on the property since 1946 and since that time the operation has continued and improvements made to the property. He noted that he owns six properties in this block and that the operation is located on properties identified as 1129, 1135 and 1139 South Florence Avenue. At one time there was a gasoline station on the corner which was not a hazard to the neighborhood, but it is no longer in existence. Three other stations in the area have shut down and that is why the request is being made in order that the 11-truck fleet used in the operation might have access to gasoline from the proposed underground tank and above-ground gas pump. Mr. Carter noted that the pump and tank will be located in the middle of the 150' deep lot under application, behind the residence and that there is an eight-foot high fence between the two houses and the pump will not be seen from Florence Place. Mr. Carter described the area surrounding the property, pointing out that there is a commercial apartment in the 1100 block of South College and a child care center in the 1100 block of South Florence Place. In speaking with an insurance agent, Mr. Carter found that the insurance rates would not increase because of the use. Upon questioning by the Board, Mr. Carter noted that the pump was to be used for the operation only and not for retail purposes, that the Fire Marshal had inspected the property and had no objections so long as all safety requirements were met, and that there is a six-foot fence around the entire property which will keep neighborhood children out of the yard. He further noted that he had received no objections from the abutting property owners to the east.

Mr. Edwards advised the Board of the previous actions in 1953 and 1956 when the Board denied requests to grant an extension of a legal nonconforming use on Lots 16 and 17 to permit the installation of a gasoline tank and pump and a garage and office. In researching the records, Mr. Edwards stated he had found that Mr. Carter did not take title to the property under application until 1952, that the property has been within the City since 1923 and that there may be a question of whether or not this is a legal nonconforming operation on the subject property (Lot 15).

David Pauling, Assistant City Attorney, advised the Board in his review of the application, that the application filed is an appeal from the decision of the Building Inspector, pointing out that neither a variance nor exception were requested; therefore, the Board can only determine whether or not the decision of the Building Inspector was correct.

Protests:

The Staff submitted to the Board a letter (Exhibit "G-2") of protest from Mr. and Mrs. James R. Jones, owners of property located at 1128 South Florence.

8987 (continued)

An unnamed protestant submitted a protest petition (Exhibit "G-3") containing the names of 26 residents in the area opposed to the subject application.

Mrs. Forrest J. White, 1132 South Florence Avenue, advised that she was concerned with the possible increase in insurance rates and taxes if the application were approved, on-street parking that would be required if the use is continued, and pointed out that the operation is a nuisance to the neighborhood.

Board Action:

On MOTION of SMITH, the Board (4-0) upheld the decision of the Building Inspector for refusing to permit the installation of a gasoline tank and pump on the subject property, and denied the applicant's request in an RS-3 District on the following described tract:

Lot 15, Block 2, Pilcher-Summit Addition to the City of Tulsa, Oklahoma.

8988

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 7108 East Woodrow Street.

Presentation:

Sarah Sievert requested permission to operate a home beauty shop, advising that she is aware of the regulations of a home occupation.

Protests: None.

Board Action:

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

Lot 11, Block 13, Mohawk Ridge Addition to the City of Tulsa, Oklahoma.

8989

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate a mobile home in an AG District located at 101 West 71st Street.

Presentation:

C. L. Edwards, representing the applicant, submitted the plot plan (Exhibit "H-1") requesting permission to locate a mobile home on the subject property which contains a facility which handles hazardous waste. There is a seven-foot high chain link fence around two acres

8989 (continued)

of the property to keep persons out as the area is dangerous. Mr. Edwards pointed out that a mobile home on the property, which would not be occupied at all times, but would improve the safety of the situation and keep vandals from the area, in addition to being used for office purposes. Upon questioning, he advised that the property is being leased from the City and the term of the lease will expire in approximately three or four years.

David Pauling, Assistant City Attorney, noted that the use should be considered within the Use Unit 2 classification.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1202 - Area-Wide Special Exception Uses) to locate a mobile home for the duration of the term of the lease, subject to the applicant's providing a copy of the lease agreement to the Board for the record, in an AG District on the following described tract:

A tract of ground situated in the E/2 of the SW/4 of Section 1, Township 18 North, Range 12 East, Tulsa County, Oklahoma and being more particularly described as follows:

Beginning at a point 24.75' North and 56.44' East of the Southwest corner of said E/2 of the SW/4; thence North a distance of 131.65'; thence South 81°-34' East a distance of 200'; thence North 8°-26' East a distance of 380'; thence South 81°-34' East a distance of 480'; thence South 8°-26' East to a point on a line 24.75' North and parallel to the South line of Section 1, Township 18 North, Range 12 East; thence West to the point of beginning, containing in all 5.2 acres, more or less.

8990

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 100' to 70' from the centerline of Southwest Boulevard in an IL District located at 3149 Southwest Boulevard.

Presentation:

Larry Evans submitted the plot plan (Exhibit "I-1") requesting a variance of the setback requirements from 100' to 70' in order that the new structure will align with the existing structure. The tract is triangular-shaped and denial of the application would prohibit any expansion of the existing structure.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) approved a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of setback requirements from 100' to 70' from the centerline of Southwest Boulevard, per plot plan, in an IL District on the following described tract:

4.1.76:209(17)

8990 (continued)

All of that triangular shaped tract of land beginning 620.62' North of the South line of the Northwest Quarter of the Northwest Quarter of Section 23, Township 19 North, Range 12 East of the Indian Base and Meridian, lying East of Sapulpa Road and or Highway 66, more particularly described as follows: Beginning 620.62' North of the Southeast corner of the NW/4 of the NW/4; thence West 116.35'; thence Northeasterly 360.48' to the East line of the NW/4 of the NW/4; thence South 331.05' to beginning, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

ALSO part of the NW/4 of the NW/4 of Section 23, Township 19 North, Range 12 East, more particularly described as follows; beginning on the East line of the NW/4 of the NW/4 of Section 23; 600.62' North of the Southeast corner of the NW/4 of the NW/4 of said Section 23; thence North 20' to a point; thence West 116.0' to a point on the Easterly line of the Sapulpa Road Right-of-Way; thence Southeasterly in a straight line to the point of beginning, all in Section 23, Township 19 North, Range 12 East of the Indian Base and Meridian, in Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

8992

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1202 - Area-Wide Special Exception Uses) to use property for headquarters facilities for the Verdigris Valley Electric Cooperative in an AG District located north and west of 146th Street North and Mingo Road.

Presentation:

Bill Schneider submitted the plot plan (Exhibit "J-1") and a rendering (Exhibit "J-2") of the proposed headquarters for Verdigris Valley Electric Cooperative, noting that the use will contain offices, warehousing facilities and transmission facilities with some outside storage. The property is to be screened on all sides as landscaping is proposed, the property is 1 1/2 miles west of Collinsville and there are two access points proposed onto the frontage street.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 310-Principal Uses Permitted in the Agriculture District - Section 1202 - Area-Wide Special Exception Uses) to use property for headquarters facilities for the Verdigris Valley Electric Cooperative, per plot plan and rendering submitted, in an AG District on the following described tract:

E/2, SW/4, SE/4, of Section 24, Township 22 North, Range 13 East, Tulsa County, Oklahoma.

8993

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the rear yard requirements from 20' to 10' in an RS-3 District located at 18592 East 2nd Street.

Presentation:

Mrs. Joel Lacy submitted the plot plan (Exhibit "K-1") requesting a variance of the rear yard requirements from 20' to 10' in order that the proposed addition might be constructed. She further noted that the structure would then be sitting on the 10' easement line, and that the fact that the lot is a corner lot proposes development problems. Upon questioning, Mrs. Lacy noted that the proposed expansion is located to the west and the south.

Protests: None.

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 rear yard requirements from 20' to 10', per plot plan, in an RS-3 District on the following described tract:

Lot 1, Block 5, Rolling Hills Third Addition to the City of Tulsa, Oklahoma.

8994

Action Requested:

Variance (Section 240.2 - Permitted Yard Obstructions - Under the Provision of Section 1670 - Variances) for a variance of square feet of floor area for a detached accessory building from 750 square feet to 1,050 square feet in an RS-3 District located at 5636 South Quincy Place.

Presentation:

Bill Buffington submitted the plot plan (Exhibit "L-1"), requesting a variance of the permitted square footage requirement in order that a carport might be constructed to house two family automobiles, a camper, and three antique cars that need to be sheltered. He pointed out that the existing detached garage has been converted into a workshop for the owner and he is also in the process of erecting a screening fence around the entire property. Upon questioning, Mr. Buffington advised that the property owner intends to use the workshop for personal use only, not for commercial purposes.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved a Variance (Section 240.2- Permitted Yard Obstructions - Under the Provisions of Section 1670 - Variances) for a variance of square feet of floor area for a detached accessory building from 750 square feet to 1,050 square feet, per plot plan and subject to the screening being completed, in an RS-3 District on the following described tract:

4.1.76:209(19)

8994 (continued)

The North 86 feet of Lot 3, Block 2, Riverview Acres Addition to the City of Tulsa, Oklahoma.

8995

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the front setback requirements from 30' to 27' and a variance of the rear yard setback requirements from 25' to 22' in an RS-2 District located southwest of 82nd Place and Oswego Avenue.

Presentation:

Donald East submitted the plot plan (Exhibit "M-1") requesting a variance of the front setback from 30' to 27' and of the rear setback from 25' to 22' in order that the proposed structure might be erected on the subject property. He pointed out that the subject property is a corner lot and therefore the variances are required in order that the construction might take place.

Protests: None.

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 front setback requirements from 30' to 27' and a variance of the rear setback requirements from 25' to 22', per plot plan, in an RS-2 District on the following described tract:

Lot 4, Block 7, Forest Creek II Addition to the City of Tulsa Oklahoma.

8997

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 6907 South Lewis Avenue.

Presentation:

Nate Mosby submitted the plot plan (Exhibit "N-1") and requested permission to operate a car wash on the subject property and requested a waiver of the screening requirement on the north between the CS and RM-2; however, the Staff noted that the question of screening is not properly before the Board. Mr. Mosby requested that the operation be permitted to remain open until midnight as he will also be operating the Arby's drive-in next door and would like to close both operations at the same time. It was the consensus of the Board that the operation, so near the apartment development, should be closed at 10 p.m.

Protests: None.

8997 (continued)

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 710-Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a car wash, per plot plan and subject to the hours of operation being 8 a.m. to 10 p.m., in a CS District on the following tract:

The West 150 feet of Lot 1, Block 1, Amended Plat of Abdo Commercial Heights Addition to the City of Tulsa, Oklahoma.

8998

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1220 - Commercial Recreation: Intensive) to operate a golf driving range in a CS District; and an Exception (Section 1030 (d) - FD Floodway Supplemental District Regulations) to locate a golf driving range in an FD District located at 9911 East Skelly Drive.

Presentation:

Michael Wise submitted the plot plan (Exhibit "O-1") requesting permission to operate a golf driving range on the subject property, a portion of which is located within an FD District. Mr. Wise submitted five photographs (Exhibit "O-2") of the subject property, noting the difference in the property prior to the grading which had been completed for the purpose of locating the driving range on the property. A 10' x 20' structure is proposed to be located on the property to serve as sanitary facilities and for the storage of golf balls.

In reviewing the applicant's plot plan, Mr. Gardner noted that the location of the proposed structure is outside of the FD area, is within the FH area and will need to be elevated to meet Ordinance requirements.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 710-Principal Uses Permitted in Commercial Districts - Section 1220 - Commercial Recreation: Intensive) and an Exception (Section 1030 (d) - FD Floodway Supplemental District Regulations) to locate a golf driving range, per plot plan, in a CS and FD District on the following described tract:

Block 2, Magic Circle Center Addition to the City of Tulsa, Oklahoma.

9002

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 frontage requirements from 300' to 197.80' in an AG District located at 13524 North 91st East Avenue.

Presentation:

Allen Brown, the applicant, was not present.

4.1.76:209(21)

9002 (continued)

Mr. Garnder noted that the Board had recently adopted and added to its list of Minor Variances and Special Exceptions lots in AG Districts that have less than 300' of frontage and less than two acres in size in subdivisions which have been termed "wildcat subdivisions". He noted that the subject property falls within this classification as the area was subdivided prior to January 1, 1976 but does not meet the requirements of the AG District.

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 frontage requirements from 300' to 197.80' in an AG District on the following described tract:

A tract of land situated in the NE/4 of Section 36, Township 22 North, Range 13 East, Tulsa County, State of Oklahoma, more particularly described to-wit: Beginning at a point on the West line of said NE/4; said point of beginning being South 00°-06'-46" West a distance of 356.60' from the Northwest corner of said NE/4; thence due East a distance of 689.68' to a point; thence South 00°-04'-30" West and parallel with the East line of said NE/4 a distance of 197.80' to a point; thence due West and parallel with the North line of said NE/4 a distance of 689.81' to a point on the West line of said NE/4; thence North 00°-06'-46" East along the West line of the NE/4 a distance of 197.80' to a 30' easement for roadway on the East subject to a gas line easement on the West 10' of the East 40' thereof and subject to 10' utility easement on the West 10' thereof. Subject to 1/4 mineral reservation by prior owner.

COMMUNICATIONS:

Communication:

7927

This is a Communication (Exhibit "P-1") from the Building Inspector's Office requesting that the Board retract the special exception granted on May 17, 1973, after which the Building Inspector's Office would attempt to file appropriate charges through the City Prosecutor as the conditions of the Board have not yet been complied with.

David Pauling, Assistant City Attorney, advised the Board that he had reviewed the request of the Building Inspector's Office and recommended that the Board notify the applicant by certified mail that the Board will once again review the application on a date certain.

Mr. Gardner, upon questioning, advised that the applicant is operating, that approval was granted nearly two years ago and the applicant has not yet complied with the Board's conditions.

There being no objections, the Chair directed the Staff to notify the applicant by certified mail that the Board will again review the application on May 6, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

4.1.76:209(22)

Interpretation:

Mr. Gardner advised the Board that the Building Inspector's Office is requesting an interpretation as to whether or not underground gasoline storage, gasoline pumps and bus repair are considered accessory uses to a church as many applications are being filed by churches in order that they might maintain and repair their buses. Mr. Gardner pointed out that churches with buses are quite common and hundreds of gallons of gasoline are required as many of the churches within the City have from six to 30 buses each which require gasoline and some repair. The Ordinance states that gasoline service stations or related activities are not permitted within residential districts, while it also states that those uses incidental to the principal use can be found accessory and permitted. Mr. Gardner did not feel that a garage for repair and maintenance purposes could be considered accessory without public hearing, but felt that gasoline pumps and storage might be considered accessory. He noted the Board may wish to hold a public hearing for each application that is filed requesting permission for gasoline pumps and bus repair facilities.

David Pauling, Assistant City Attorney, advised that if the Board interprets that the gasoline pumps and storage can be considered an accessory use to the church, the Board should consider those churches which are located in the residential districts, as the Building Inspector would then be permitted to issue the permit without public hearing and notice. Mr. Pauling questioned whether or not the maintenance of a gasoline pump and storage is actually incidental to the principal use.

There being no objections, the Chair directed that applications should be filed, notice given and public hearing held for each request concerning the maintaining of gasoline storage, gasoline pumps, and repair in connection with the principal church use.

8944

C. L. JoHansen advised the Board that at the time the Board approved his application for duplex use on the property in question, the Board also conditioned that approval upon 1,950 square feet of floor space being the permitted minimum in addition to two-car garages rather than carports being required. Mr. JoHansen felt that requiring two-car garages is overbuilding in this area and there would be no way in which he could sell or rent his units with two-car garages as the residences in the area are not valued at \$50,000 as the proposed structures would be.

David Pauling, Assistant City Attorney, advised the Board and applicant that the Board cannot reopen a case when the Board's decision has been made as the applicant has 10 days in which to appeal the decision of the Board. The applicant's alternative is to refile an application for the proposed use.

Mr. Gardner advised that the Board's concern at the time the approval was granted, was whether or not the proposed development would be compatible with the surrounding area, not taking into consideration the financial aspect of the applicant's use.

8944 (continued)

The Chair, without objections, dismissed any further comment regarding application 8944, advising the applicant that the Board had previously (March 18, 1976) dismissed any further comment on the application.

There being no further business, the Chair declared the meeting adjourned at 5:30 p.m.

Date Approved April 15, 1976

Sam W. Jolly
Chairman