BOARD OF ADJUSTMENT
MINUTES of Meeting No. 210
Thursday, April 15, 1976, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Blessing	Smith	Edwards	Jenkins, Building Inspector's Office
Guerrero		Etter, Mrs.	Pauling, Legal Dept. (in 1:42 p.m.)
Jolly, Chairman		Gardner	
Purser, Mrs.		Jones	

Chairman Jolly called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES:

On MOTION of BLESSING, the Board (4-0) approved the Minutes of March 18, 1976 (No. 208) and the Minutes of April 1, 1976 (No. 209).

SPECIAL REQUESTS:

8950

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to permit a driveway to a parking lot; an 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.

Presentation:

Charles Norman, representing Helmerich & Payne, advised the Board and interested parties that Helmerich & Payne had requested the subject application be withdrawn.

Protests:

Ron Raynolds, attorney for Swan Lake Area Homeowners Association, had no objections.

Board Action:

There being no objections, the Chair declared application 8950 withdrawn from public hearing.

Special Requests: (continued)

8977

Action Requested:

Exception (Section 1680.1 (f) - Special Exceptions - General) the modification of a screening requirement as provided in Section 250, Chapter 2, District Provisions: General--off-street parking use of property located within a Residential District when the property is abutting an Office, Commercial or Industrial District--to permit off-street parking use of property located in a Residential District which is abutting a Commercial District, and a Special Exception to modify the screening requirement imposed on off-street parking areas, in an Office or Parking District abutting a Residential District subject to the rezoning of subject property in an RS-3 District located south and west of 19th Street and Utica Avenue.

Presentation:

Charles Norman, representing Helmerich & Payne, requested a continuance of the subject application to May 6 as the applicant and protestants are discussing possible solutions to the problems in the area.

Protests:

Ron Raynolds, representing the Swan Lake Area Homeowners Association, advised the Board that he had no objections to the continuance requested.

Board Action:

On MOTION of PURSER, the Board (4-0) continued application 8977 to May 6, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9007

Action Requested:

Appeal (Section 1650 - Appeal from the Building Inspector) to remove a driveway entrance; an Exception (Section 1680 - Special Exceptions) to permit accessway for parking use; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) to permit accessway for parking area in an RS-3 District located south and west of 19th Street and Utica Avenue.

Presentation:

Roy Johnsen, representing Utica National Bank, requested a continuance of the subject application to May 6 as the applicant, Helmerich & Payne and protestants are discussing possible solutions to the problems in the area.

Protests:

Ron Raynolds, representing the Swan Lake Area Homeowners Association, advised the Board that he had no objections to the continuance requested.

Board Action:

On MOTION of PURSER, the Board (4-0) continued application 9007 to May 6, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Special Requests: (continued)

8461

Action Requested:
Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to permit off-street parking; and a Variance (Section 1670.1 - Variances - General) to establish off-street parking in an RM-1 District located at 912 West 24th Street;

and

8770

Action Requested:
Variance (Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670 - Variances) for a variance of the side yard requirements from 25' to 1' 7" in an IL District located at 3920 East Pine Street;

and

8799

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

Presentation:
The applicants were not present and the Chair advised that the three applications had been continued on several occasions awaiting the outcome of a Supreme Court decision. It is again necessary that the three applications be continued at this time to June 3, 1976.

Protests: None present.

Board Action:
On MOTION of BLESSING, the Board (4-0) continued applications 8461, 8770 and 8799 to June 3, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

UNFINISHED BUSINESS:

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.

8894 (continued)

Presentation:

A. C. Saint submitted his drainage and plot plan (Exhibit "A-1") to the Board, advising that the drainage had been approved by the City Engineering Department. He noted that in February, 1976 the Board had approved the application subject to an amended plot plan being submitted showing no doors on the outside of the westernmost structure noting that the structure on the west could be located as near to the property line as 5' and subject to the construction materials being concrete block as stated with earthen-tone paint being utilized to be compatible with the area. In discussion, however, the Board rescinded this action and continued the application in order that the plot plan and drainage might be completed prior to final action.

Protests: None.

Board Action:

On MOTION of PURSER, 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 the setback requirements from 75' to 5' on the west, per plot plan, and subject to the construction materials being concrete block as presented with earthen-tone paint being utilized to be compatible with the area, in an IL District on the following described tract:

Lot 15, Block 2, Greenlawn Addition to the City of Tulsa, Oklahoma.

8965

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts-Section 1227 - Heavy Manufacturing and Industry) to operate an automobile salvage yard in an IM District located northwest of 32nd Street North and Peoria Avenue.

Presentation:

David Phillips, representing Bill Beard who is the prospective operator of the proposed salvage yard, described the subject property advising that his client is proposing to locate a 60' x 40' prefabricated metal structure on the property, that the entire Peoria frontage will be screened by way of a solid metal fence, and that the balance of the property will be fenced by way of a 7' chain link which exists at the present time. He noted that the majority of the subject property has been filled, that the grass and weed problems existing on the property at present will be alleviated and these areas maintained properly. Mr. Phillips submitted 23 photographs (Exhibit "B-1") of the subject property as it presently exists and of Mr. Beard's salvage operation on East Pine, pointing out that the operation is a good, clean operation and one that would be compatible with the area and an asset to the property.

Mr. Gardner pointed out for the Board's information, that the expressway when extended will be a continuation of the Gilcrease Expressway and the Board should consider whether or not the location of the proposed use can be seen from the expressway and would it be compatible with the surrounding development.

Protests:

Bill Wilson, 4740 North Frankfort, representing District 25, advised that the Planning Team and Steering Committee for District 25 have been working on the District Plan and have been trying, for a number of years, to solve the development problems in the District and improve their District. He pointed out that the District is comprised of a variety of land uses which are compatible at present and will remain compatible so long as they are maintained as they presently exist. He felt that the proposed location of the salvage operation was inappropriate and too close to the school in the immediate area. Mr. Wilson felt that the District has, at present, an overabundance of salvage yards, most of which are located in the wrong place, and the Planning Team is of the opinion that no additional salvage yards should be permitted within District 25 as they create traffic problems and generally degrade the area.

Rev. Earl Hunter, 4632 North Cincinnati Place, advised the Board that the Concerned Citizens for McClain High School Area had met and voted to oppose the subject application. He expressed concern with regard to access being permitted to Wilshire Drive, an internal residential street, felt that the use would be unsightly when viewed from the Gilcrease Expressway which will be elevated, that the use would be a detriment to other industrial uses in the area, and that the use would downgrade the type of industrial uses that might be attracted to the industrial area.

Mrs. Joe Antle, Skiatook, advised the Board that she owns properties to the north of the subject tract, that the school is located within 1/2 block of the subject tract, and that she was greatly concerned with the appearance of the proposed development on its interior boundaries and the affect that its appearance would have on the surrounding community.

Gene Dennison, representing Melton Lentz of 784 East 42nd Place North who owns many properties in the area, advised that the homes in the area are not particularly well-maintained, but that the development of the proposed salvage yard would further devalue homes in the area. As Chairman of the Skiatook Chamber of Commerce, Mr. Dennison expressed concern with what affect the use might have on the surrounding area and noted the possibility of auto salvage operations being approved to extend north closer to the Skiatook area. He requested that the subject application be denied.

Mr. Phillips advised that the subject property is zoned for medium-intensity industrial use, that the property has been for sale for five years and that no "clean" industry has offered to purchase the property. He again pointed out that the property would be entirely fenced and that children are not permitted within the yard area to play, and that the use would be an improvement to the property for the area residents and property owners. Upon questioning by the Chair, Mr. Phillips advised that the automobile parts would be stored off the ground to eliminate pest and rodent problems and that the ground would be hard-surfaced.

Mr. Wilson expressed concern with regard to the conditions of the screening and landscaping being enforced by the City, feeling that there are better locations for the subject use.

Protests:

Bill Wilson, 4740 North Frankfort, representing District 25, advised that the Planning Team and Steering Committee for District 25 have been working on the District Plan and have been trying, for a number of years, to solve the development problems in the District and improve their District. He pointed out that the District is comprised of a variety of land uses which are compatible at present and will remain compatible so long as they are maintained as they presently exist. He felt that the proposed location of the salvage operation was inappropriate and too close to the school in the immediate area. Mr. Wilson felt that the District has, at present, an overabundance of salvage yards, most of which are located in the wrong place, and the Planning Team is of the opinion that no additional salvage yards should be permitted within District 25 as they create traffic problems and generally degrade the area.

Rev. Earl Hunter, 4632 North Cincinnati Place, advised the Board that the Concerned Citizens for McClain High School Area had met and voted to oppose the subject application. He expressed concern with regard to access being permitted to Wilshire Drive, an internal residential street, felt that the use would be unsightly when viewed from the Gilcrease Expressway which will be elevated, that the use would be a detriment to other industrial uses in the area, and that the use would downgrade the type of industrial uses that might be attracted to the industrial area.

Mrs. Joe Antle, Skiatook, advised the Board that she owns properties to the north of the subject tract, that the school is located within 1/2 block of the subject tract, and that she was greatly concerned with the appearance of the proposed development on its interior boundaries and the affect that its appearance would have on the surrounding community.

Gene Dennison, representing Melton Lentz of 784 East 42nd Place North who owns many properties in the area, advised that the homes in the area are not particularly well-maintained, but that the development of the proposed salvage yard would further devalue homes in the area. As Chairman of the Skiatook Chamber of Commerce, Mr. Dennison expressed concern with what affect the use might have on the surrounding area and noted the possibility of auto salvage operations being approved to extend north closer to the Skiatook area. He requested that the subject application be denied.

Mr. Phillips advised that the subject property is zoned for medium-intensity industrial use, that the property has been for sale for five years and that no "clean" industry has offered to purchase the property. He again pointed out that the property would be entirely fenced and that children are not permitted within the yard area to play, and that the use would be an improvement to the property for the area residents and property owners. Upon questioning by the Chair, Mr. Phillips advised that the automobile parts would be stored off the ground to eliminate pest and rodent problems and that the ground would be hard-surfaced.

Mr. Wilson expressed concern with regard to the conditions of the screening and landscaping being enforced by the City, feeling that there are better locations for the subject use.

8965 (continued)

W. F. Blakely, 1215 South Evanston, advised the Board that he owns the IL property to the west of the subject property which contains a small manufacturing plant and expressed concern with regard to the affect that the proposed use would have on the entire north side of Tulsa. He noted that Peoria is the main thoroughfare through this portion of the City, that the Gilcrease Expressway will be developed some 400' south of the subject property, that there are two salvage yards in the 3100 block of North Peoria that will be removed when the Expressway is completed which will be an improvement to the area, and he felt that the use would devalue properties within the area by 50%. Mr. Blakely advised he had visited one of Mr. Beard's other operations and did not feel that it was particularly attractive.

Phillip McGowan, representing Eugene Pelizzoni of the Empire Plumbing Supply Company, advised that the extension of the Gilcrease Expressway would eliminate a major portion of the existing salvage yard to the south of the subject property. He felt that the area could be developed into office, commercial and residential uses if the compatible uses existing are maintained. He did not feel that salvage operations were compatible in this area and felt that approval of the application would increase the potential of additional such operations in the area.

Eugene Pelizzoni, owner of properties in the area, advised the Board that he had hoped to utilize this property as a branch of his operation, but that final plans had not been made. He noted that the Expressway would increase traffic in the area and he did not wish to have a salvage operation located on the main thoroughfare of this portion of the City.

Bill Beard, the applicant, advised the Board that the subject property had been for sale for a number of years and questioned why it had not yet been purchased if the property were so valuable. He pointed out the number of rental properties located in the residential area, stating that one home in the immediate area which is owner-occupied is located to the east of the subject property.

Mr. McGowan pointed out that the area has not developed as commercial and residential because of the existing development in the area such as auto salvages which are located in this part of the City. Unless something is done with regard to eliminating these situations of deterioration, the area will not substantially develop.

Board Action:

On MOTION of GUERRERO, the Board (4-0) denied application 8965 in an IM District on the following described tract:

That part of the SE/4 of the NE/4 of Section 24, Township 20 North, Range 12 East of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beginning at a point 1880' south and 50' west of the northeast corner of said Section 24 and running thence west a distance of 109'; thence south a distance of 100'; thence east a distance of 109'; thence north a distance of 100' to the point of beginning, according to the U. S. Government Survey thereof; AND

8965 (continued)

a part of the SE/4 of the NE/4 of Section 24, Township 20 North, Range 12 East of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beginning at a point 1780' south of the northeast corner of said Section 24, thence west 159'; thence south 100'; thence east 159'; thence north 100' to the point of beginning, according to the U. S. Government Survey thereof; AND

the east 70 feet of Lot 1, and all of Lots 2, 3, 4, and the west 109' of Lot 5, ALL in Block 7, Wilshire Subdivision, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; AND

that part of Block 10 in Wilshire Subdivision, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Commencing at a point in the north line of said Block 10, 140' northeast of the most northerly northwest corner of said Block 10, said corner also being the southwest corner of Lot 4 in Block 6 in said Wilshire Subdivision as the point of beginning; thence south 30' parallel to the east line of said Block 10; thence southwesterly along a line parallel to the north line of said Block 10 to a point on the east line of Wilshire Drive being on the west line of said Block 10; thence southwesterly along the east line of Wilshire Drive being the west line of said Block 10 to a point in said east line of Wilshire Drive, (said point being the intersection of said east line of Wilshire Drive and a line commencing on the south line of Lot 1, Block 7 in Wilshire Subdivision, 70' west of the southeast corner of said Lot 1, and extending north and parallel to the east line of said Block 10 until its intersection with said east line of Wilshire Drive); thence south along said line to its intersection with the line between said Block 10 and said Lot 1; thence northeasterly and easterly along the south line of said Block 10 to its southeast corner; thence north along the east line of said Block 10 to its northeast corner; thence southwesterly along the north line of said Block 10 to the point of beginning, according to the recorded plat thereof.

8978

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 60' to 25' to permit a lot-split (L-13678) in an RS-3 District located north and east of 30th Street and Detroit Ave.

Presentation:

Tom Tannehill, the applicant, was not present.

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

Protests: None.

8978 (continued)

Board Action:

On MOTION of BLESSING, the Board (4-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 60' to 25' to permit a lot-split (L-13678) in an RS-3 District on the following described tract:

The West 250' of the S/2, NW/4, SE/4, SE/4, Section 13, Township 19 North, Range 12 East; and Lot 4, Block 3, Indian Woods Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

8996

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the area requirements and frontage requirements to permit a lot-split (L-13681) in an RM-1 District located at 1050 East Pine Place.

Presentation:

John Bell, the applicant, was present.

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

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the area requirements and frontage requirements to permit a lot-split (L-13681) in an RM-1 District on the following described tract:

The South 34' of Lot 24, Block 2, Booker Washington Addition to the City of Tulsa, Oklahoma.

8999

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 1552 North Yorktown.

Presentation:

Joseph Casey requested permission to locate a mobile home on the subject property until such time as he can complete rebuilding the home on the property at present. He advised that the building materials cannot be left on the property unguarded. Upon questioning, Mr. Casey noted that there is a mobile home located on property in the immediate area.

Protests: None.

8999 (continued)

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home for a period of one year subject to the customary removal bond, in an RS-3 District on the following described tract:

Lot 7, Block 2, Kinlock Park Addition to the City of Tulsa, Okla.

9000

Action Requested:

Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination) to change a legal nonconforming use to permit a CS use and raze an existing building and erect a new building in an OM District located at 4319 East 31st Street.

Presentation:

Ted Spangenberg advised the Board that approval was granted and a building permit issued for construction of a one-story structure on the property per the original design (Exhibit "C-1"). However, there were problems experienced with the easements, sanitary sewer, etc., and building over the easements was abandoned because of the City Engineer's requirements. He submitted a revised plot plan (Exhibit "C-2") to the Board advising that the plans were turned down by the Building Inspector's Office because the Board of Adjustment approval action had expired. He noted that the revised plan is virtually the same as that previously approved--there being 12,400 square feet of floor area on the revised as compared to 12,122 on the old plan and 45 parking spaces on the revised plan as compared to 47 on the old plan. Mr. Spangenberg did point out that additional parking could be provided if required.

As a general comment, Mr. Gardner felt the Board should consider how much sign area shall be permitted, number of signs and location.

Protests:

Phillip Brewer, 4315 East 30th Street, advised the Board that he was opposed to the plans which included a convenience grocery because of the debris created by these types of operations in addition to the crime problems that have been experienced throughout the City with regard to convenience grocery stores, especially since the store would be abutting a residential district.

Mrs. Betty Pinkosky, 4312 East 30th, submitted a protest petition (Exhibit "C-3") containing the signatures of 13 area residents who are opposed to the convenience grocery being developed on the subject property. Mrs. Pinkosky advised that there are four grocery stores within one mile of the area in question and requested that the subject application be continued in order that the protestants might be better organized in their protest.

The Chair noted that the notice requirements of the Code had been met which he felt had given any interested party sufficient time in which to prepare for the application.

9000 (continued)

With regard to the comments of the protestants, Mr. Spangenberg advised he had begun working on the plans two years ago at which time he had received 100% participation from the Santa Monica Addition to the north, noting that those persons opposing the application this date have moved into the area since the previous application was approved. He pointed out that a considerable amount of money had been spent on the plans, clearing of the property, and drainage in addition to necessary right-of-way having been dedicated.

Mr. Brewer felt that the development as proposed would devalue properties within the residential area and create additional traffic problems. He pointed out that four properties within the block abutting the subject property have changed owners, after which Mr. Spangenberg pointed out that the restrictive covenants of the Santa Monica Addition advise prospective and present property owners of the proposed development to take place on the subject property.

Interested Party:

Jim Shofner, 4143 East 41st, advised the Board that he owns the property to the west of the subject proposal, that he had traded properties with the applicant in order that all concerns of the area residents might be considered, and that there are property owners in the area who would agree that the applicant has worked with them in planning the development. He further pointed out that all property owners were made aware of the proposed transition in their abstracts, that the applicant has spent a considerable amount of money and time to prepare the plan presented this date, and stated he did not feel it would be equitable to deny the application this date on the basis of the opposition that has become known within the past two months.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination) to change a legal nonconforming use to permit a CS shopping center use and raze an existing building and erect a new building, per revised plot plan, in an OM District on the following described tract:

That part of Lot 3, Block 2, Exposition Gardens Addition to the City of Tulsa, Oklahoma, more particularly described as follows:

Beginning at the southeast corner of said lot; thence north 150'; thence west 123'; thence south 150'; thence east 123' to the place of beginning; and Lots 35 & 36, Block 4, Santa Monica Addition to the City of Tulsa, Oklahoma.

9001

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1217 - Automotive and Allied Activities) to operate a car wash; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) to erect a car wash 46' from the centerline of Apache Street in a CS District located at the northwest corner of Apache Street and Norfolk Avenue.

9001 (continued)

Presentation:

Johnnie Fulton submitted a plot plan (Exhibit "D-1") advising that he would like to operate a four-bay, self-service car wash on the property which contains an existing service station. He advised that he is a minister but he would also like to operate the servide station and car wash to supplement his income. The service station will be operated by he and his wife--the station to be open between the hours of 7 a.m. and 9:30 p.m., Monday through Saturday.

Protests:

Vivian Jordan, 1031 East Apache, advised that the property is located within a residential area, that there is a church across the street from the subject property, that there is no need for a car wash in this area and that the service station has not been in business for some time.

Judith Tyler, 1116 East 26th Place North, representing herself and Grace Brookfield, 1328 North Madison Place, expressed concern with regard to the traffic that would be created by the proposed use and felt that the use would devalue the surrounding residential area.

The Staff advised the interested parties that a six-foot solid screening fence is required on the western property line.

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 operate a car wash; and a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) to erect a car wash 46' from the center-line of Apache Street, per plot plan, six days a week, 7:00 a.m. to 9:30 p.m., as relates to the car wash facility only, in a CS District on the following described tract:

The south 90 feet of Lots 1, 2, and 3, Block 1, Banfield Addition to the City of Tulsa, Oklahoma.

9003

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 101.92' in an AG District located at 14131 North 100th East Avenue.

Presentation:

Neil York advised the Board that he had purchased the subject property with the established dimensions, noting that he had had no control over the frontage of 101.92'.

Mr. Gardner noted that the Board had recently adopted an amendment to its list of Minor Variances and Special Exceptions to include lots in an AG District that have less than 300' of frontage and are less than two acres in size in subdivisions which have been termed "wildcat" subdivisions. He advised 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.

9003 (continued)

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) 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 101.92' in an AG District on the following described tract:

A tract of land in the SE/4, SW/4, NW/4, Section 30, Township 22 North, Range 14 East of the I.B. & M., further described as follows:

Starting at the SW corner of the said SE/4, SW/4, NW/4; thence South 89°-50'-32" East along the South line of said SE/4, SW/4, NW/4; a distance of 593.95' to the point of beginning; thence North 140'; thence North 37°-36'-42" West 449.09'; thence North 0°-00'-50" West 25'; thence South 89°-50'-32" East 26.92'; thence North 0°-01'-15" West 25'; thence South 89°-50'-32" East 346.91' to the East line of said SE/4, SW/4, NW/4; thence South 0°-01'-41" East along said East line to the SE corner of said SE/4, SW/4, NW/4; thence North 89°-50'-32" West 100' to the point of beginning, said tract containing 2.61 acres, more or less. The extreme Northwesterly 25' being a roadway easement.

9004

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1217 - Automotive and Allied Activities) to operate automobile sales in a CS District located at 720 South Utica Avenue.

Presentation:

Rick Passo, attorney representing the applicant, advised that his client wishes to operate an automobile sales operation on the subject property which is proposed to close at 7:00 p.m. each evening, pointing out that there will be no lights running across the lot as on other such lots. The only lights provided will be for security purposes. Mr. Passo described the uses in the area surrounding the subject property, noting that the proposed use is compatible.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate automobile sales in a CS District on the following described tract:

The East 197 feet of Lots 7 thru 10, Block 1, Parkdale Addition to the City of Tulsa, Oklahoma.

9005

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) to remove existing fence and to erect the fence on the lot line north of the proposed parking area in an RS-1 District located at 3105 East Skelly Drive.

Presentation:

John Sublett, attorney representing Bob Weir, advised that the existing screening fence had been erected as requested by the area residents 25' back from the northern lot line. When the Board granted approval of Case #8524, the screening fence was left in place awaiting an appeal being filed by the Building Inspector since the fence was erected with the support of the area residents. Mr. Sublett advised that the application was again before the Board in order that it could be determined where the residents want the fence and where the fence should be located. Mr. Sublett submitted a petition (Exhibit "E-1") containing the signatures of 9 residents in the immediate area who support the location of the existing fence.

Interested Party:

Melvin Parkhurst, 3038 East 49th Street, advised that the screening fence was erected as the residents in the area requested and as agreed upon by the applicant.

Protests:

J. M. Richards, 2819 East 49th Street, referred to the Minutes of Case 8524, dated June 5, 1975 (Exhibit "E-2") which note clearly that the Board required the screening fence to be removed and reconstructed on the north property line. The Minutes also reflect that Mr. Sublett stated that the requirements of the Board would be fulfilled even though the fence was not an issue at that particular time. Mr. Richards reiterated the area residents concerns as previously stated in other applications on the subject property with regard to the use of the property and the fencing requirements.

Michael Tramontana, 2809 East 49th Street, submitted a protest petition (Exhibit "E-3") containing the signatures of 14 area residents who are opposed to the location of the existing fence and request that the Board's original action be affirmed. Mr. Tramontana advised that the RS-1 property abutting the street, to the north of the existing fence, is not properly maintained as is the Skelly frontage of the subject property and the area residents would like to see the fence located on the northern property line and the area maintained.

Mr. Sublett again noted that there are residents in the area who feel that the fence should be maintained as erected and suggested that the application be continued for a period of two weeks in order that he might meet with the area residents with regard to the proper location of the screening fence.

David Pauling, Assistant City Attorney, noted that the application before the Board this date is an appeal from the decision of the Building Inspector and that the only action that can be taken by the Board this date is whether or not the decision of the Building Inspector was correct with regard to the previous action of the Board.

9005 (continued)

Board Action and Discussion:

On MOTION of BLESSING, the Board (4-0) upheld the decision of the Building Inspector that the existing fence be removed and reconstructed on the lot line north of the proposed parking area in an RS-1 District on the following described tract:

The North 50 feet of Lot 2, Weir Fifth Addition to the City of Tulsa, Oklahoma.

At a later point in the meeting, Mr. Pauling advised the Board that he had spoken with Mr. Sublett who was not aware that the application had been misadvertised and that no action could be taken by the Board other than a determination with regard to the decision of the Building Inspector. Mr. Pauling suggested that the Board might permit Mr. Sublett to readvertise for public hearing utilizing the same application number, after which the Chair noted that he would support this action if Mr. Pauling agreed that this would not be reopening an application upon which a decision had been made. Mr. Pauling did not feel that an error in advertisement would constitute a reopening of an application.

GUERRERO moved to readvertise the subject application utilizing the same application number per the advice from Legal counsel. This motion dying for the lack of a second, the Chair declared the request for reconsideration denied.

9006

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1215 - Other Trades and Services) to locate an electrical contractor's shop; and a Minor Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 150' to 80' to permit a lot-split (L-13689) in a CS District located at the northeast corner of 11th Street and 131st East Avenue.

Presentation:

C. J. Funk submitted the plot plan (Exhibit "F-1") advising the Board that there is a contract for purchase of the subject property involved subject to the Board's approval of the application. He described the area, pointing out that the 300' to the east is vacant, multifamily development with screening is located to the north, and to the south are tornado-damaged structures which are in the process of being rebuilt the same size and style as the structure proposed for the subject tract. Mr. Funk stated that the proposed structure will house an electrical contracting office with electrical conduit to be stored outside in an orderly manner.

The Staff pointed out that the Planning Commission had denied the applicant's lot-split on April 14, 1976. Mr. Gardner advised that the Staff feels a general commercial use is appropriate in this area, but the potential problem exists because of the denial of the lot-split. He expressed concern with the Board's approving the use on the 80' which has not yet been properly split from the entire 300' property.

9006 (continued)

Mr. Funk advised that he and his partners have spoken with the property owner since the lot-split was denied and the owner has not yet accepted any alternatives offered. There is no need for any more property than 80' and Mr. Funk stated that a requirement to purchase additional property would mean a cut in the quality of structure that could be constructed on the property.

In discussion, Mr. Gardner advised that the western 80' could be split from the entire 300' tract as that portion would then have two street frontages. Kenneth Latty, son of the property owner, advised the Staff that he felt some type of lease arrangement could be worked out for a greater portion of the property that would then allow the approval of the application and a proper lot-split.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to locate an electrical contractor's shop, with the understanding that the lot-split as applied for had been denied by the Planning Commission and subject to lease arrangements being entered into to create a proper lot-split, in a CS District on the following described tract:

The East 80' of the South 360' of the E/2, E/2, SW/4, SW/4, of Section 4, Township 19 North, Range 14 East, Tulsa County, Okla.

At this point in the meeting, the Chair was relinquished to Board Member Guerrero as the Chair was called from the meeting for a short time.

9008

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts) to erect four duplexes in an RS-3 District; a Variance (Section 440 - Special Exception Uses in Residential Districts - Requirements - Under the Provisions of Section 1670) for a variance of the frontage requirements from 75' to 46.26' on Lots 10, 11, 12 and 13 and a variance of the square footage requirements from 9,000 square feet to 8,200 square feet on Lots 10 and 13; a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 25' to 15' on Lots 7 and 16; and a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the side yard requirements from 5' to 4' on Lots 7 and 16 and for a variance of the side yard requirements from 10' to 8' on Lots 8, 9, 14 and 15 in an RD and RS-3 District located south of 24th Street and 91st East Place.

Presentation:

R. Arlin Mareburger, representing Tracy-Schuller Builders, Inc., submitted the plot plan (Exhibit "G-1") requesting permission to construct duplexes on the properties in question per the plans submitted. The structures are to be Old English in design, 1 1/2 story, three bedroom, two bath units--each structure having a total of 3,100 square feet of

of floor space. Due to the size of the lots and the size of the duplex structures proposed on the property, a variance of the side yard requirements from 5' to 4' on Lots 7 and 16 is required and a variance of the side yard requirements from 10' to 8' on Lots 8, 9, 14 and 15 is required. Becuase Lots 10, 11, 12 and 13 are located on a cul-de-sac, a variance of the frontage requirements is required from 75' to 46.26' and a variance of the square footage requirement is required on Lots 10 and 13 from 9,000 square feet to 8,200 square feet. Mr. Mareburger advised that the plat also provides for a 15' side yard building line on Lots 7 and 16 and a variance of the setback from 25' to 15' is requested on Lots 7 and 16 in order that they might align with three existing duplex structures to the east as well as be developed per the plat building line. Upon questioning, Mr. Mareburger advised that the sale value of the structures is between $65,000 and $70,000.

Mr. Gardner advised that the Staff Special Study recommended duplex use on the RS-3 lots, the six lots north of the cul have been zoned RD for some time, and those properties east of 91st East Place are in a designated Flood Hazard Area and can be developed only if the elevation is raised to one foot above the 100-year flood elevation.

Protests:

Ronald True, 2501 South 91st East Place, felt that the 1 1/2 story structures would eliminate the privacy that his family now enjoys as their bedrooms are located to the rear of their home. He pointed out that the existing duplexes are attractive to the neighborhood, but that the residents have experienced problems with those persons occupying the units. He felt that the values of the single-family properties would decrease if the duplexes were permitted.

Mr. Mareburger felt that the tenants occupying the proposed duplexes would be those which would not create a disturbance for the area residents as the units will be leasing for $300+ per month in addition to utilities. If the properties south of the cul-de-sac were developed single-family, Mr. Mareburger felt that they would more than likely be two-story in design and would also present a privacy problem for the property owners to the south.

Calvin Cozort, 2511 South 91st East Place, felt that the properties in question were too small for duplex development, advised of the drainage problems existing at present in the area, and pointed out that 24th Street is a one-lane street and too narrow for two-way traffic.

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 410-Principal Uses Permitted in Residential Districts) to erect four duplexes in an RS-3 District; a Variance (Section 440 - Special Exception Uses in Residential Districts - Requirements - Under the Provisions of Section 1670) for a variance of the frontage requirements from 75' to 46.26' on Lots 10, 11, 12 and 13 and a variance of the square footage requirements from 9,000 square feet to 8,200 square feet on Lots 10 and 13; a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 25' to 15' on Lots 7 and 16; and a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under

9008 (continued)

the Provisions of Section 1630) for a variance of the side yard requirements from 5' to 4' on Lots 7 and 16 and for a variance of the side yard requirements from 10' to 8' on Lots 8, 9, 14 and 15, per plot plan and subject to those structures east of South 91st East Place meeting the 100-year elevation and subject to the drainage plans being approved by the City Engineer, in an RD and RS-3 District on the following described tract:

Lots 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, Block 1, Memorial Acres Resub., to the City of Tulsa, Oklahoma.

9009

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts-Section 440 (2) - Home Occupations) to operate a taxidermy shop in a residence in an RS-2 District located at 808 Ridge Drive, Sand Springs, Okla.

Presentation:

James Mathena advised the Board that he is aware of the regulations regarding a home occupation, that he has an existing accessory building on his property, that items cannot be sold on a retail basis because of Federal regulations; however, goods will be delivered to him by the owners in order that he might provide his taxidermy services. Upon questioning, Mr. Mathena advised that he would have no more than one or two customers each day due to the type of operation.

Protests: None.

Board Action:

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

Lot 13, Replat and Resubdivision of Lots 1, 2 and 3, Block 11, Charles Page Home Acres No. 2, to the City of Sand Springs, Okla.

9011

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 25' to 10' in an RS-2 District located at the northeast corner of 82nd Place South and 82nd Court.

Presentation:

Jack Stacy submitted a plot plan (Exhibit "H-1") requesting a variance of the rear yard requirements from 25' to 10' and a 4' variance of the front yard requirements in order that the proposed structure might be constructed on the subject corner lot. Mr. Stacy also submitted a letter (Exhibit "H-2") from the property owner to the east of the subject property who has no objection to the subject requests.

The Staff pointed out that the request for a variance of the front yard requirement had not been advertised and would require a separate application.

9011 (continued)

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (4-0) 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 25' to 10' per plot plan submitted with regard to rear yard only in an RS-2 District on the following described tract:

Lot 1, Block 5, Forest Creek II Addition to the City of Tulsa, Okla.

9012

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 25' to 24' in an RS-2 District located at 5671 South Evanston.

Presentation:

Bert Tucker submitted the plot plan (Exhibit "I-1") requesting a variance of the rear yard requirements from 25' to 24' in order that the proposed addition might be made to the existing residence.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 25' to 24' per plot plan in an RS-2 District on the following described tract:

Lot 8, Block 5, Fairway Estates Second Addition to the City of Tulsa, Oklahoma.

9015

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 17' 6" in an RS-3 District located at 12505 East 37th Place South.

Presentation:

Stanley Webb submitted the plot plan (Exhibit "J-1") requesting a variance of the rear yard requirements from 20' to 17' 6" in order that the proposed development might be permitted on the subject corner lot.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 20' to 17' 6" per plot plan in an RS-3 District on the following described tract:

9015 (continued)

Lot 24, Block 5, Park Plaza East II Addition to the City of Tulsa, Oklahoma.

9021

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance to permit building across a lot line in an RS-2 District located at 2426 East 30th Street.

Presentation:

Gordon Cecil, representing the applicant, submitted the plot plan (Exhibit "K-1") requesting a variance to permit building across a lot line in order that his client might erect a 26' x 14' greenhouse for his own private use and enjoyment. Because of heavy vegetation on the property, the structure will not be seen from 30th Street and the structure being located across lot lines prevents the removal of large trees which are in existence on the property. Mr. Cecil also noted that his client would have no objection to entering into a contract that the structure would be removed should Lot 9 be sold on an individual basis.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance to permit building across a lot line, per plan and subject to a contract being entered into whereby the structure would be removed at such time as Lot 9 is sold, in an RS-2 District on the following described tract:

Lots 9, 10, and the E/2 of Lot 11, Block 5, South Lewis Park Addition, in Section 17, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

9022

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 207.5' to permit a lot-split (L-13690) in an AG District located north and east of 151st Street and Lewis Avenue.

Presentation:

Nita Shipman, the applicant, was not present.

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

Protests: None.

9022 (continued)

Board Action:

On MOTION of BLESSING, the Board (4-0) 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 207.5' to permit a lot-split (L-13690) in an AG District on the following described tract:

Beginning 433.84' south of the northwest corner of the NW/4 of the SW/4 of Section 17, Township 17 North, Range 13 East; thence south 415'; thence east 525'; thence north 415'; thence west 525' to the point of beginning.

9028

adjourned at

Action Requested:

Minor Variance (Section 280 - Structure Setback from Abutting Street - Under the Provisions of Section 1630 - for a variance of the setback requirements from 50' to 40' from the centerline of Peoria to permit the replacement of a pole sign in a CH District located at 1432 South Peoria Avenue.

Presentation:

Larry Waid submitted the plan (Exhibit "L-1") for the proposed sign and a photograph (Exhibit "L-2") of the existing sign, requesting permission to erect the proposed new sign at the same place where the existing pole is now located, but on a center pole which would make the sign closer to the centerline than the existing sign. He noted that the property is in the process of being remodeled as a Dickies Fish and Chips Restaurant and the sign proposed will be the advertisement sign for the development.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) approved a Minor Variance (Section 280 - Structure Setback from Abutting Street - Under the Provisions of Section 1630) for a variance of the setback requirements from 50' to 40' from the centerline of Peoria Avenue to permit the replacement of a pole sign, per plan and subject to the customary removal contract, in a CH District on the following described tract:

Lots 1 and 2, Block 16, Broadmoor Addition to the City of Tulsa, Oklahoma.

9029

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 25' to 20' in an RS-2 District located at 3750 East 82nd Place South.

Presentation:

Robert Acklin submitted the plot plan (Exhibit "M-1") requesting a variance of the rear yard requirements from 25' to 20' in order that the structure might be constructed as proposed on the property.

Protests: None.

9029 (continued)

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 25' to 20' per plot plan in an RS-2 District on the following described tract:

Lot 7, Block 6, Forest Creek II Addition to the City of Tulsa, Oklahoma.

There being no further business, the Chair declared the meeting adjourned at 5:02 p.m.

Date Approved May 20, 1976

Esther Purser

for Chairman

4.15.76:210(21)