

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 212  
Thursday, May 20, 1976, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

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

Acting Chairman Purser called the meeting to order at 1:33 p.m. and declared a quorum present.

MINUTES:

On MOTION of SMITH, the Board (3-0) approved the Minutes of April 15, 1976 (No. 210).

SPECIAL REQUESTS:

9047

Action Requested:

Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where the purpose of the screening requirement cannot be achieved in a CS District located between 704 and 818, inclusive, West 23rd Street.

Presentation:

William B. Jones, representing Riverview Shops, Inc., was not present. The Staff submitted a communication (Exhibit "A-1") from Mr. Jones requesting a continuance of the application for a period of 30 days, pointing out that an additional continuance may be required at that time.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) continued application 9047 to May 20, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9056

Action Requested:

Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where existing physical features provide visual separation of uses; and a Variance (Section 1340.3 - Design Standards for Off-street Parking Areas - Under the Provisions of Section 1670) for a variance of the screening wall

9056 (continued)

or fence on the lot line or lines in common with an R District to permit the existing fence to stand 25' from the north property line of Lot 1 in an RS-1 District located at 3105 East Skelly Drive.

Presentation:

John Sublett, the applicant, was not present. The Staff submitted a communication (Exhibit "B-1") from Mr. Sublett requesting a continuance of the application to June 17 in order that the applicant might have sufficient time in which to contact two of the neighborhood families who are vacationing at the present time.

Protests:

Those unnamed protestants present had no objection to the requested continuance.

Board Action:

On MOTION of BLESSING, the Board (3-0) continued application 9056 to June 17, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9014

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 6410½ West 4th Place.

Presentation:

Lois Diffie, the applicant, was not present. The Staff submitted a communication (Exhibit "C-1") from Mrs. Diffie requesting that the subject application be withdrawn.

Protests: None.

Board Action:

There being no objections, the Chair declared the application withdrawn.

UNFINISHED BUSINESS:

9013

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RM-1 District located at 1913 North Darlington Place.

Presentation:

Jerry Johns advised that he was requesting permission to locate a mobile home on the subject property for a period of two years in order that his son and his wife might reside in the mobile home until they are old enough to purchase their own home. He noted that the subject property is vacant, that there are other mobile homes in the area, and that sanitary sewer is available in the area.

Protests:

Roy McGhee, Jr., 5406 East Ute, submitted a protest petition (Exhibit "D-1") containing the signatures of seven residents in the area opposed to the subject application, and submitted a map (Exhibit "D-2") of the area pointing out those properties which are owned by his family or in the process of being purchased. He pointed out residents across the street from the subject property who oppose the application and who signed the petition submitted. Mr. McGhee also advised that he personally owns three vacant lots to the south which are tied up in litigation, noting that he plans to build on the property when the properties are cleared from litigation. Upon questioning, he pointed out that he did not contact all persons in the area, but that those contacted oppose the application.

Mr. Johns submitted a petition (Exhibit "D-3") containing the signatures of 20 residents within the 300' radius in favor of the application, noting that the spouses of those who signed are also in favor of the application. He also submitted a map (Exhibit "D-4") of the area, pointing out where those in favor reside in relation to the subject property. Mr. Johns advised that he was not trying to degrade the area as he owns a home on North Erie and he has increased the property value. He further pointed out that the mobile home has been sitting on the subject property for two years, has never been hooked to utilities in the area, and has never been the object of any complaints from the area residents. He submitted a contract for deed (Exhibit "D-5") dated December, 1973 which states that the value of the subject property at that time was \$9,000 while its present value is \$25,000 per an appraisal report (Exhibit "D-6") submitted. Mr. Johns also submitted seven photographs (Exhibit "D-7") of his home, his mother's home and vacant properties in the area which are not presently being maintained by their owners, advising that he understands that the approval granted would be temporary.

Board Action:

SMITH moved to approve the application for a period of one year, subject to the customary removal bond as there are no homes to the south of the subject property and that the properties to the north, which would be most affected, are owned by the applicant. This motion dying for the lack of a second,

BLESSING moved to deny the application. This motion dying for the lack of a second, the Chair pointed out that three "aye" votes are required in order for an application to be approved and suggested the applicant may wish to continue the application to a later date in order that additional Board Members might be present and a decision made regarding the application.

Mr. Johns requested the application be continued to June 3, after which the protestants advised they they would not be available June 3.

On MOTION of SMITH, the Board (3-0) continued application 9013 to June 17, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts- Section 440 (6) - Mobile Homes); an Exception (Section 310 - Principal Uses Permitted in the Agriculture District); and a Variance (Section 340 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) to maintain a mobile home and a variance of the five-acre minimum in an AG and RS-1 District located at 8901 South 33rd West Avenue.

Presentation:

B. C. Syndergard advised the Board that the mobile home has been located on the property for five years and that the property is well kept. He noted he was attempting to obtain a building permit to expand the existing residence in order that he might move the mobile home to Grand Lake and the approval of the Board is required at this time in order that he might temporarily locate the mobile home on the property. He requested a two-year approval in order that he might have sufficient time to complete construction of the expansion as he works on the residence in his spare time. Upon questioning by the Board, Mr. Syndergard advised that he had received approval to locate the mobile home on the property for two years in 1971, but that he had failed to return at the end of that two-year period.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes); an Exception (Section 310 - Principal Uses Permitted in the Agriculture District); and a Variance (Section 340 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) to maintain a mobile home for a period of two years and a variance of the five acre minimum in an AG and RS-1 District on the following described tract:

1/2 acre in the southwest corner of the N/2 of the SW/4 of the SW/4, lying south and west of Nickel Creek, and 1/2 acre in the northwest corner of the S/2 of the SW/4 of the SW/4, lying north and west of the Old Channel of Nickel Creek, in Section 15, Township 18 North, Range 12 East of the Indian Base and Meridian, containing 1 acre, more or less, according to the U. S. Government Survey thereof, Tulsa County, Oklahoma; AND

A certain tract of land situated in the SW/4 of Section 15, Township 18 North, Range 12 East, Tulsa County, Oklahoma, more particularly described as follows: Beginning at the southwest corner of said SW/4 of said Section 15; thence northwardly along the west line of said SW/4 a distance of 544.8' to a point; thence south 89°-59' east a distance of 204' more or less to a point in the centerline of Nickel Creek; thence south 14°-49' east a distance of 149.0'; thence south 22°-22' east a distance of 183.83'; thence south 26°-11' east a distance of 222.87' to a point in the center of an existing County Bridge over Nickel Creek; thence south 0°-02' east a distance of 30.65' to a point in the south line of said SW/4 of said Section 15; thence north 89°-59' west along the south line of said SW/4 a distance of 408.3' to the southwest corner thereof, the place of beginning, containing in all 3.83 acres more or less, including that portion used for Highway purposes, Tulsa County, Oklahoma.

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 1147 East 48th Street North.

Presentation:

Floyd Green advised the Board that he would like to locate a mobile home on the vacant subject property indefinitely as a personal dwelling, noting that the residential structure had been removed from the tract. Upon questioning, Mr. Green advised that there is a mobile home located  $2\frac{1}{2}$  blocks to the south of the subject property, that there are other mobile homes in the area, and that he had researched moving a permanent residential structure onto the property but the cost was prohibitive.

Protests:

Mary Bates, 1109 East 48th Street North, representing the residents in her neighborhood, submitted a protest petition (Exhibit "E-1") and advised that the area residents would have no objections to the application if the following restrictions were fulfilled: (1) that the mobile home be used by the applicant and his family only for their personal use with no other type of mobile dwelling being placed on the same lot, (2) that the mobile home not be converted into any type of rental or commercial use but maintained as a residence, (3) that the mobile home be restricted to a size of at least 12' x 60' and in good condition, and (4) that in the event of the property owner or if for any other reason the property is passed on to a new owner, the permission for the mobile home is not automatically extended to the new property owner. Mrs. Bates advised that these are the concerns of the area residents as the area is single-family and they felt that a mobile home, without restrictions, would be detrimental to the property values in the area. She also pointed out that the residents do not want mobile homes moved into the area and rented to give the area a mobile home park atmosphere.

Mr. Gardner explained the purposes of the Ordinance with regard to mobile homes being located in Residential Districts for temporary purposes rather than on an indefinite permanent basis, feeling that the Board should consider this intent. He suggested that the applicant make plans for locating or constructing a permanent structure on the property in the future so as to follow the intent of the Code which is to permit mobile homes on a temporary basis. As an additional restriction, Mr. Gardner suggested that the mobile home be skirted to give the appearance of a permanent residential structure.

Mr. Green pointed out that he would have no objections to the conditions of the protestants. The Chair advised the applicant of the intent of the Ordinance with regard to permitting mobile homes in the single-family district, after which Mr. Green advised he had no particular hardship, but pointed out that there are many mobile homes located in the area without permission from the City.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home for a period of one year subject to the customary removal bond, subject to the mobile home being occupied by the applicant and his family only to be maintained as a dwelling and

for no other purpose, subject to the mobile home being at least 12' x 60' in size, subject to the approval being granted for this applicant only not to run with the land, and subject to the mobile home being skirted, in an RS-3 District on the following described tract:

Lot 8, Block 1, Longview Park Addition to the City of Tulsa,  
Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's day nursery in an RS-3 District located at 1346 North Santa Fe.

Presentation:

Frank Rowell, attorney representing Fern Heavener, advised that Mrs. Heavener presently operates the Gilcrease Day Care Center at 1337 North Tacoma which was granted approval in 1969 in addition to approval having been granted for the lot south of 1337 North Tacoma in 1972 as an extension of that day care facility. He advised that Mrs. Heavener had purchased the subject property several months ago and is requesting permission to operate a part of the center on the subject property. Mr. Rowell submitted a rendering (Exhibit "F-1") to the Board, advising that the original Center structure (Building #1) is used to accommodate the children two years through 13 years in age, while the newer structure (Building #2) is used to accommodate infants to two years of age noting that these infants and toddlers never leave this structure. Meals are served the children in Building #1 and this will be continued, while the children will undertake their activities in Building #2 and proposed Building #3. Mr. Rowell pointed out that the Center accommodates lower-income and lower-economic families, the majority of the children being picked up from and delivered to the homes via the Day Care Center buses, with the children being out of the Center at 4:00 p.m. each day. Since Mr. and Mrs. Heavener own a large farm near the Gilcrease Museum, the applicant is proposing to transport the older children to the farm for their recreational activities. During the school year, Building #3 will contain the children four to six years of age, Building #2 will contain the infants to two years, and Building #1 will be used for the serving of meals and will also contain the two to four year olds and six year olds and older children. There are 8 to 12 employees and the playground is located on the lots containing Buildings #1 and #2, and it was pointed out that there would be no playground provided for Building #3 as the existing playgrounds are sufficient for the Center's needs. Mr. Rowell advised that the cost of relocating the entire operation would be prohibitive. Upon questioning by the Board, it was pointed out that there is a small nursery some two blocks from the applicant's operation.

Mrs. Heavener advised the Board that her Center serves children from the Gilcrease Hills area in addition to those children located within an area bounded by 74th Street North to the north, Skelly Bypass to the south, University of Tulsa to the east, and Sand Springs to the west. She stated that the third structure is needed to separate the age levels as the open

classroom operations are now recommended in teaching and additional room is needed to accomplish this type of teaching method. She advised that she was licensed to care for 64 children within the two existing structures, pointing out that there would be approximately 90 children during the summer at the Center with the day camp operation at the farm to be utilized by the older school children. Upon questioning, Mrs. Heavener advised that all but 14 children are transported in the evenings by the Center bus and that the remaining 14 children are picked up by their parents by no later than 6:00 p.m. and that is the closing time for the Center. With regard to parking and circulation, Mrs. Heavener advised that there is adequate parking available for the employees and that she is in the process of planning a circular drive for the lots fronting Tacoma.

Protests:

Altha Rogers, 1342 North Santa Fe, submitted two photographs (Exhibit "F-2") to the Board pointing out how close the proposed operation would be to her home if the application were approved. She advised that her health is not good and that the noise from the operation would harm her and the use would devalue her property.

Fred Cornish, 1448 North Santa Fe, advised the Board that the entire area is single-family residential and felt that the expansion of this use would be an encroachment of a commercial venture into the single-family area. Mr. Cornish advised that he has no complaints to register with regard to the operation, but felt that the operation was quite a large operation with 8 to 12 employees and 64 to 90 children involved. He cited a recent court decision feeling that the approval of the subject application would be contrary to all zoning laws of the City of Tulsa and noted that no hardship has been provided at this time.

David Pauling, Assistant City Attorney, advised that the State Statutes give the Board the power to grant approval of variances and special exceptions so long as the request is not injurious to the neighborhood and noted that the Board also has the authority to condition its approval to provide safeguards for the maintenance of the residential character of the area.

Mr. Cornish submitted a letter (Exhibit "F-3") of protest from Mr. & Mrs. Roy Moss who feel that the use would devalue property in the area, that the use would create additional traffic which would then create a safety hazard for the school children in the area, and that there are three such uses being made of residential properties in the area at present.

The Staff also submitted a letter (Exhibit "F-4") of protest received from Mr. & Mrs. Levi Rogers who oppose the subject application.

Mr. Rowell advised the Board that there will be no noise in the additional structure to trouble the neighbors, that the operation has been in existence since 1969 and has not been injurious to the neighborhood during its operation, and that these children must be cared for while their parents work.

9039 (continued)

Mrs. Heavener advised that expansion of the Center is needed in the area because the State will not approve other nurseries in the area. She pointed out that Lot 2 once was surrounded by a redwood fence and that the majority of the neighbors did not realize that there was a day care operation being undertaken because there was no disturbance created for the area residents. She noted that the neighborhood is very quiet even though the Center is in operation. Upon questioning, Mrs. Heavener advised that there are approximately 12 or 13 automobiles delivering children to the facility between 7:00 and 8:00 a. m. each morning, while the remainder of the children are transported by the Center bus.

Board Action:

On MOTION of SMITH, the Board (3-0) denied application 9039 in an RS-3 District on the following described tract:

The North 50 feet of the East 140 feet of Lot 1, Block 6,  
Lombard Addition to the City of Tulsa, Osage County, Oklahoma.

NEW APPLICATIONS:

9030

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1220 - Commercial Recreation: Intensive) to operate a four-wheel drive automobile recreational club and course for a period of four years in an AG District located 1/4 mile west of 36th Street North and Cincinnati Avenue.

Presentation:

Carl Bradley, representing Tulsa Four Wheeler, Inc., advised that the subject property is comprised of 66 acres of very rough terrain and that 20 acres of the property is being used as a meadow. He advised that the association is planning to use the property as a gathering place for owners of four-wheel drive vehicles and their families for recreational purposes. Mr. Bradley advised that the property is fenced and the gate locked when not in use. With regard to dust and noise that might be created by the vehicles driving the trails, Mr. Bradley advised that there are no residences closer than 600 to 800 feet to the property, but that there would be some dust but little noise created by the use. The only activities taking place after dark would be wiener roasts as the track operation is a daytime use. Upon questioning with regard to the ownership of the properties under application, Mr. Bradley advised that the entire tract had been leased from Charles Banfield who represented that he owned the entire tract, pointing out that the lease is renewable on a one-year basis. Upon further questioning, Mr. Bradley pointed out that a portion of the property would be taken for expressway purposes within the next three years, that the trails are to be utilized by four-wheel drive vehicles only such as jeeps rather than as race tracks for vehicles such as motorcycles. He noted that the trails would be used on weekends primarily.

Protests:

Lester Danforth, 2624 North Cincinnati, advised that his family owns 40 acres to the east of the subject property, that a portion of his family's property is contained within the legal description and utilized by the association without permission, and that he felt the use was a nuisance

9030 (continued)

in this area. Mr. Danforth submitted a photograph (Exhibit "G-1") of the trails that have been created on his family's property without permission.

David Pauling, Assistant City Attorney, advised that the question to be considered at this time is whether or not the property under application has been properly leased by the association, and suggested that the application be continued in order that a proper determination of the property under application might be made by the applicant and correct information submitted to the Board.

Bill Young, president of the association, advised the Board that the association had told Mr. Banfield that the five acres owned by the Danforth family was needed for the operation, and Mr. Banfield assured the association that he had contacted and received permission from the Danforth family for the use as they had no objections and the property under application was then leased to the association.

Board Action:

On MOTION of SMITH, the Board (3-0) continued application 9030 to July 15, 1976, 1:30 p.m., Langenheimer Auditorium, City Hall, Tulsa Civic Center, in order that the applicant might furnish a proper legal description and information to the Board regarding the property under application.

9045

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's day nursery in a church in an RS-3 District located at 4909 North Cincinnati Avenue.

Presentation:

Rev. Jesse Thompson, representing the Community Church of Godkist Acres, requested permission to operate a children's nursery within the Church structure, pointing out that the Health Department had approved the structure for nursery use subject to the approval of the Board. He further noted that there is a fence existing around the playground area, that the nursery would be open between the hours of 6 a.m. and 6 p.m., Monday through Friday, and that the Church is planning on caring for between 25 and 30 children. He noted that there is adequate parking available and that access to the Church property is gained via Cincinnati Place and 49th Street North. Upon questioning, Rev. Thompson advised that he would have no objection to the access for the nursery being limited to 49th Street North only.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's day nursery within the church with access to be limited to 49th Street North only and subject to no signs being erected designating

9045 (continued)

the nursery operation on the property, in an RS-3 District on the following described tract:

Lots 12, 13, 14, 15, 16 and 17, Block 4, Fairhill Second Addition to the City of Tulsa, Oklahoma.

9046

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District located southeast of 73rd East Avenue and 106th Street North.

Presentation:

Richard Odom advised the Board that he is purchasing the northeast five acres of the subject property from his mother and stepfather and that he would like to place a mobile home on the property indefinitely. He advised that there is a mobile home located directly across the street and also one is located 1/4 mile to the north in addition to several being located near Yale and 106th Street North. Mr. Odom noted that there are no flood problems involved with the creek which runs through the property, that the mobile home would be utilizing water, gas and a septic tank for utilities purposes.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home for a period of five years in an AG District on the following described tract:

The E/2 of the NW/4 of the NE/4 of Section 14, Township 21 North, Range 13 East of the IBM, containing 20 acres, more or less, according to the United States Government Survey thereof, in Tulsa County, Oklahoma.

9048

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate a mobile home; a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) for a variance of the 300' frontage; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670) for a variance of the five-acre minimum for a mobile home in an AG District located at 11413 East 166th Street North.

Presentation:

Neil York requested permission to locate one mobile home on the subject property, advising that there are mobile homes located to the north, south and west. The variance of the frontage requirement is needed because the railroad to the southwest abuts a portion of the property and shortens the frontage on 166th Street North.

Mr. Gardner advised that this property is considered a part of a "wild-cat subdivision" and that the mobile homes in the area were placed in the area prior to the City's jurisdiction.

Mr. York also submitted a plat of survey (Exhibit "H-1") and a petition (Exhibit "H-2") signed by all property owners within 300' of the subject property who have no objection to the application.

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 1209 - Mobile Home Dwelling) to locate one mobile home; a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) for a variance of the 300' frontage; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670) for a variance of the five-acre minimum for a mobile home in an AG District on the following described tract:

The East 301.04' of the West 660.0' of the SW/4 of the SW/4 of Section 8, Township 22 North, Range 14 East, Tulsa County, State of Oklahoma, lying North and East of the Atchinson, Topeka and Santa Fe Railroad right-of-way less and except the North 608' thereof, subject to waterline easement and subject to roadway on the south, containing in all 4.2 acres more or less according to the U. S. Government Survey thereof, including all minerals and mineral rights thereunder.

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office District - Section 1205 - Multifamily Dwelling and Similar Uses) to erect multifamily use; a Variance (Section 430.1 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 85' to 48' from the centerline of Peoria Avenue; and a Variance (Section 1208.4 - Off-street Parking and Loading Requirements - Under the Provisions of Section 1670) for a variance of the parking spaces from 10 to 5 spaces in an OM District located at 1616 South Peoria Avenue.

Presentation:

Ray LeCrone described the uses in the area, pointing out that he was misinformed when he purchased the property as he was of the opinion that the property was also zoned for commercial purposes as all properties surrounding the subject tract. The property was inspected by what Mr. LeCrone thought was a City building inspector, he extended his garage to provide an additional two units, and then found that he had spoken with a plumbing inspector and not a City building inspector.

He presented a plot plan pointing out that he was proposing to utilize one of the downstairs units for office purposes only, thereby decreasing the number of apartment units from six units to five units. With regard

to parking, Mr. LeCrone advised that the sunken garden and swimming pool area could be utilized for additional parking if the Board so required. He stated that there are nine spaces available for parking while only seven are required by the Code for the apartment use; however, he was not aware of how many additional spaces would be required for the use of one of the units as an office.

Paul Jenkins, Building Inspector, advised the Board that the plot plan presented this date showing the office is not the same plan that was presented to the Building Inspector's Office for review for issuance of a building permit.

David Pauling, Assistant City Attorney, advised that the question of greatest concern before the Board is whether or not the parking requirement for the office can be met according to what has been proposed on the plot plan.

The Board suggested that the application be continued in order that a clearer plot plan with all sufficient information might be presented to the Board for further consideration. With regard to the parking problem that might arise from the office being located on the first floor of the structure, Mr. LeCrone advised he would be willing to delete the office use from the application.

Mr. Gardner advised that the Staff's concern does not lie with the use proposed, but with off-street parking and it was felt that a more legible plot plan with specific information should be presented to the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) continued application 9049 to June 3, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Action Requested:

Exception (Section 440 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to make Indian Jewelry and wholesale silver and beads in an RS-3 District located at 4059 East 25th Place.

Presentation:

LeRoy Heavener, an electrician by trade, advised the Board that he had planned to operate a small shop in his converted garage to sell custom-made Indian jewelry and to wholesale silver and beads, advising that there is not an extensive amount of traffic involved with the operation. He advised that other residents in the area have converted their garages into dens and there is a beauty shop and a lawn service operating from converted garages. Mr. Heavener stated that he had consulted his immediate neighbors to the east, west, north and southeast and none of them have any objections to his proposed operation. With regard to the operation, Mr. Heavener advised that a customer will come to the shop for the custom design work, he will then make the order and the customer then picks up the order, thereby creating little traffic in the area.

He pointed out that he is currently operating in the Ranch Acres shopping center and that six customers a day is the maximum he has had. Because other companies will not insure his merchandise, all merchandise is shipped through the U. S. Post Office and his bulk packages are no larger than 18" x 10" and 18" x 18".

Protests:

Ronnie Turner, 4051 East 25th Place, submitted a protest petition (Exhibit "J-1") containing the signatures of 15 residents within a two block area who object to the applicant's proposal because the neighborhood is quiet, the streets are narrow, increased traffic will create safety hazards for the neighborhood children, and they wish to see the neighborhood maintained residential without any type of commercial encroachment. He advised that he was aware of the restrictions of a home occupation, but noted that he objects to any sales at the home.

Interested Parties:

John Rush, 4065 East 25th Place, advised that he lives to the west of the applicant, that there is not much traffic through the residential area, that he has resided in the area for 26 years and sees no problems with the operation as proposed.

Fred Smith, 4056 East 25th Place, advised that Oswego Place dead-ends at 25th Place, that there is not much traffic in the area, that he has no objection to the operation and that the neighbor across the street from the applicant also has no objection to the proposal.

Mr. Heavener advised that he and his wife have two small children and if he is not permitted to operate the shop in his home then his children cannot be cared for by his wife as she operates the shop when he is working. Upon questioning, Mr. Heavener advised that he operates the shop from 9 a.m. to 6 p.m., Monday through Saturday and that only he would be working on the jewelry in the shop after hours as anyone else would work in their garages.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 440 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to make Indian Jewelry and wholesale silver and beads as presented, between the hours of 9 a.m. and 6 p.m., Monday through Saturday, subject to the approval being granted to the applicant only not to run with the land, and subject to the regulations of a home occupation in an RS-3 District on the following described tract:

Lot 28, Block 6, Chandler-Frates Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-3 District located at 6517 North Trenton.

Presentation:

Errol Smythe advised the Board that he was requesting approval to maintain his mobile home on the subject property for an additional year,

9052 (continued)

pointing out that he was once renting the property but had since purchased the property. He submitted five photographs (Exhibit "K-1") to the Board of the mobile home in question and his property, advising that there is an open field to the west, two mobile homes to the east and others which have been located in the area prior to the initiation of the Zoning Code.

Protests: None.

Board Action:

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

Lot 5, Block 4, Phillips Farms Addition to the City of Tulsa,  
Oklahoma.

9053

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 23' to 9' in an RS-3 District located at 1320 South Urbana Avenue.

Presentation:

Mrs. H. B. Granat submitted the plot plan (Exhibit "L-1") requesting permission to vary the rear yard requirements in order that her patio might be covered. She advised that there is a seven foot screening fence between her property and the abutting property and that her neighbors have no objection. For clarification, it was noted that only the top of the patio would be covered and that three sides would not be enclosed.

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 23' to 9' per plot plan in an RS-3 District on the following described tract:

Lot 4, Block 7, Adamson Heights Addition to the City of Tulsa,  
Oklahoma.

9055

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for a public park in an RM-2 District located at the 21st Street Bridge and Riverside Drive.

Presentation:

Jackie Bubenik, representing the River Parks Authority, submitted the concept plan and attachments (Exhibit "M-1") requesting permission to use the subject property for park purposes with improvements to consist of 75 parking spaces west of Riverside Drive, two overlooks, extensive landscaping, park furniture, and pedestrian lighting at 100' intervals along bicycle and pedestrian paths. Mr. Bubenik advised that the Authority is leasing the property from the City for \$1 per year, that the improvements are to be funded by the Tulsa Urban Renewal Authority, and that the City of Tulsa Park Department will maintain the facilities. Upon questioning, Mr. Bubenik advised that the park facilities will be subject to the curfew of other City parks and that it will be patrolled by the City Park Ranger Force.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for public park use as presented in an RM-2 District on the following described tract:

Description of the proposed park area in Section 12, Township 19 North, Range 12 East, Tulsa County, Oklahoma: beginning at the intersect of 21st Street and west right-of-way of Riverside Drive; thence North approximately 2,200 feet along the West right-of-way line of Riverside Drive; thence West to the East bank of the Arkansas River; thence South approximately 2,200 feet along the East bank of the Arkansas River; thence East to the point of beginning.

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 8237 South Louisville Avenue.

Presentation:

Barry Scott submitted the plot plan (Exhibit "N-1"), requesting a variance of the rear yard requirements in order that a family room might be added to the existing residence as proposed.

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 rear yard requirements from 25' to 10' per plot plan in an RS-2 District on the following described tract:

Lot 6, Block 3, Forest Creek Addition to the City of Tulsa, Okla.

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office District - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) to permit a horticultural nursery and a mobile home for a caretaker and night watchman in an OM District located at the northeast corner of Indian Avenue and 51st Street.

Presentation:

Seth Hughes advised the Board that he had leased the subject property from his sons for a period of 10 years, and to date he had spent some \$5,000 in fencing the property, that he had planted 200 trees and constructed a pond on the property. He stated that his son had suggested some type of security was needed because of the vandalism that had been experienced in the area and he requested permission to operate the horticultural nursery and provide a mobile home for a watchman for security purposes.

David Pauling, Assistant City Attorney, advised that a mobile home could not be used on the property as a permanent structure as it is a temporary structure, after which Mr. Gardner suggested that a small structure be built permanently as an office and as night watchman's quarters for security purposes. Mr. Pauling pointed out that the Building Code considers a temporary use as a use being undertaken for a period of nine months with a possible three month extension. He stated that if the applicant erected a permanent structure, the Board could then find the caretaker's quarters a customary and incidental use to the principal use.

Mr. Hughes advised he would have no objection to building a small structure as he has not yet purchased the mobile home that he had originally proposed to place on the property.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 610 - Principal Uses Permitted in the Office District - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) to permit a horticultural nursery and night watchman's quarters, finding the night watchman's quarters customary and incidental to the horticultural nursery use in an OM District on the following described tract:

A tract of land in the W/2, SE/4, SE/4 of Section 26, Township 19 North, Range 12 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point that is 180' North and 9' East of the southwest corner of said W/2, SE/4, SE/4; thence North 0°-46' West parallel to the West line of said W/2, SE/4, SE/4, a distance of 361.5'; thence North 68°-44' East a distance of 361.5'; thence South 0°-46' East parallel to the West line of said W/2, SE/4, SE/4 a distance of 361.5'; thence South 68°-44' West a distance of 361.5' to the point of beginning, containing 3.0 acres, more or less.

Action Requested:

Exception (Section 1680.1 (g) - Special Exceptions) to establish off-street parking in a Residential District abutting an Office District in an RM-2 District located at 1011 South Quincy.

Presentation:

Glen Greer of Greer Electric Company, advised the Board that he owns Lots 4-7 and Lot 11 and has an option to purchase Lot 12, noting that he is proposing to utilize Lots 11 and 12 as off-street parking for his 14 employees as there is not sufficient parking available in the CH area. Lot 12 is vacant at present, while Lot 11 contains a residence which will not be removed at this time. Lots 5 and 6 contain new buildings, while Lot 4 has been utilized for off-street parking.

Mr. Gardner pointed out that screening is required on the northern property line as the property to the north is zoned RM-2 with some apartment development and off-street parking having been established some time ago.

With regard to screening along the eastern boundary between the subject property and RM-2 to the east, Mr. Greer advised that he would like to use the access through Lot 4 to Lots 11 and 12 and provide shrubbery along the Quincy frontage with the only access being via Rockford Ave. Mr. Gardner pointed out that the only screening required on the eastern boundary would be that of Lot 12. It was pointed out that the application had not been properly advertised to consider a waiver of the screening requirements.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 1680.1 (g) - Special Exceptions) to establish off-street parking in a Residential District that is abutting an Office District in an RM-2 District on the following described tract:

Lots 11 and 12, Block 8, East Lynn Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a nursing home; and a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build across lot lines in an RM-1 District located south and east of 13th Street and Garnett Road.

Presentation:

R. J. Beason, representing Dr. Ronald Barnes, submitted the plot plan (Exhibit "O-1") requesting permission to operate a nursing home on the subject property which is vacant at present and contains many large, mature trees to provide a residential atmosphere for the use. He pointed out that RM-1 zoning permits apartment development on the property, feeling that the proposed use would be a less intense use than apartment

9062 (continued)

development. Mr. Beason advised that a certificate of use had been obtained from the State and that his client would be required to extend an existing water line from 14th Street to the subject property which will in turn provide fire protection for the surrounding properties. In reviewing the plot plan, Mr. Beason pointed out that Phase I of the overall development is proposed at the present time and access would be provided to the north and south when the entire development has taken place.

In reviewing the plans, the Staff pointed out that the applicant would be building across lot lines as proposed which is a minor variance and that the Staff supports the use of the two points of access.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a nursing home; and a Minor Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1630) to build across lot lines, with access to be provided to 13th Street at this time as well as 14th Street when the future expansion takes place, in an RM-1 District on the following described tract:

Lots 4, 5, 8 and 9, Block 7, Elm Hurst Addition to the City of Tulsa, Oklahoma.

9074

Action Requested:

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' to permit an alignment with an existing structure in an RS-2 District located at 2728 East 55th Place.

Presentation:

Ed Myers, the applicant, was not present.

The Staff pointed out that the subject property is located within the building moratorium and no building permit can be issued to permit construction; therefore, a continuance of the application is required.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) continued application 9074 until such time as the pending moratorium has been lifted.

9078

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 280' in an AG District located at 6405 North 129th East Avenue.

Presentation:

Jess Crum, the applicant, was not present.

The Staff advised the Board that the subject property is located within a "wildcat subdivision" and that the applicant is proposing to move a residential structure onto the property.

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 280' in an AG District on the following described tract:

A tract of land lying in the NW/4 of Section 4, Township 20 North, Range 14 East of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, described as follows, to-wit: Beginning 1,284 feet South of the Northwest corner of said Section 4, thence East 364.05 feet to the West Railroad Right-of-Way; thence Southeasterly along the West Railroad Right-of-Way line 285 feet; thence West 420.1 feet; thence North 280 feet to the point of beginning.

ADDITIONAL ITEMS:

Communication

8635

This is a Communication (Exhibit "P-1") from Mrs. John Simpson, 11315 East 4th Place, advising of the traffic and parking problems that have been experienced because of the beauty shop which the Board approved in June, 1975.

Board Member Smith advised that he resides in the general vicinity of the property in question, that he is familiar with the area, but that he was not familiar with the problems stated by Mrs. Simpson. He pointed out that he would be willing to look into the situation.

David Pauling, Assistant City Attorney, advised the Board that the Board can only determine whether or not the regulations of a home occupation have been complied with as there were no additional conditions required by the Board other than the regulations of a home occupation.

There being no objections, the Chair directed the Staff to advise Mrs. Simpson that the matter would be investigated by a Member of the Board.

There being no further business, the Chair declared the meeting adjourned at 4:45 p.m.

Date Approved

June 17, 1976

Tom Wally

Chairman