

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 214
Thursday, June 17, 1976, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Blessing
Guerrero, Chairman
Jolly
Purser, Mrs.
Smith (out 4:35 p.m.)

STAFF PRESENT

Edwards
Etter, Mrs.
Jones

OTHERS PRESENT

Jenkins, Building
Inspector's Office
Pauling, Legal Dept.
(in 1:35, out 5:00)

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

MINUTES:

On MOTION of JOLLY, the Board (5-0) approved the Minutes of May 20, 1976 (No. 212).

UNFINISHED BUSINESS

Communication
8635

This is a Communication (previously exhibited) 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 located at 11321 East 4th Place.

The Staff advised that Board Member Smith, who lived in the area, had stated that he would investigate the operation and report to the Board this date.

Board Member Smith advised the Board that he had observed the residence almost daily as he lives within one-half block of the operation. He stated that he had never seen an abnormal number of vehicles parked at the residence, that the property is very well kept and has been improved, and that he has seen no problems that might be created by the operation.

Mrs. Simpson was present and advised the Board that her child was almost run over by one of the beauty shop patrons, pointing out that the operator of the shop had promised her when the operation began that there would be no on-street parking. However, the patrons parked in front of her home until approximately three months ago when she confronted the shop owner. Mrs. Simpson advised of the neighborhood restrictions prohibiting commercial operations in the neighborhood. Also, Mrs. Simpson advised that the shop owner schedules three or four patrons at

one time, which during the day creates approximately 30 to 40 patrons and additional automobiles in the area. She advised that she had spoken with the shop owner about spreading her appointments, but that she was told the operation would not then be profitable. Mrs. Simpson pointed out that she did not object at the time the application was filed, as she had been told that there would be between three and five patrons per day.

David Pauling, Assistant City Attorney, advised Mrs. Simpson that the City is not bound to enforce, acknowledge or adhere to restrictive covenants.

Upon questioning by Mrs. Simpson as to whether or not restrictions could be placed on the operation at this time, Mr. Pauling advised that the application was approved, subject to no conditions other than that of a home occupation and that no conditions could be added by the Board at this time. According to those conditions listed within the home occupation, **no** violation exists.

There being no objections and upon advice of counsel, the Chair noted that no violation exists with regard to the home occupation approved and those conditions of a home occupation.

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 the Board that he was requesting permission to locate a mobile home on the subject property for his son and his wife who are not yet old enough to purchase their own residence. He noted that the mobile home will not be used for rental purposes and that he is aware of the one year approval and bond required. Mr. Johns advised that he had spoken with Mr. McGee since the previous hearing and that at the time of the original hearing he and other residents were of the opinion that a mobile home was to be placed on each lot rather than just one mobile home. Also, since the previous hearing Mr. McGee has cleaned up all of his properties. All persons who signed the petition, with the exception of one, have been notified and now have no objection to the application for one mobile home on the property.

Protests: None

Board Action:

On MOTION of PURSER, the Board (5-0) 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 RM-1 District on the following

9013 (continued)

described tract:

Lot 21, Block 28, Original Townsite of Dawson, Tulsa County, Oklahoma.

9047

Action Requested:

Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirements where an alternative screening will provide visual separation of uses in a CS District located at 704-818, inclusive, West 23rd Street.

Presentation:

Bill Doyle, attorney representing Riverview Shops, Inc., advised that the property to the south of the subject property is at a lower elevation than the subject property; therefore, screening would have no effect because the structures on the subject property would be elevated and overlook the property to the south. Mr. Doyle advised that his clients are proposing a five-foot chain link fence with privet hedge on three-foot centers to be provided in lieu of the solid screening fence. His clients, he pointed out, have entered into an agreement with the property owner to the south regarding the fence, hedge and maintenance and he requested that the subject application be approved subject to the agreement being made a part of the record.

Paul Chapman, representing the Tulsa Urban Renewal Authority, was present and Mr. Doyle advised that he had no objections to the proposed modifications.

Interested Party:

Oliver Clay, managing agent for the property owner to the south, advised the Board that the property owners are in concurrence with the agreement.

Protests: None

Board Action:

On MOTION of PURSER, the Board (5-0) approved an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirements where an alternative screening will provide visual separation of uses, subject to an agreement between the property owners being made a part of the record, in a CS District on the following described tract:

Block X, Riverview Park Addition, Blocks I through XII, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office District - Section 1208 - Multifamily Dwelling and Similar Uses) to erect multifamily units; 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 presented a combination plot plan and rendering to the Board, advising that he had reworked the plot plan as the Board had directed and that eight parking spaces had been provided for the proposed development (a total of six dwelling units) and an office. He pointed out the six-foot encroachment into the rear yard which was caused when he added a six-foot extension onto the garage to make the structure larger. Upon questioning with regard to required parking, Mr. LeCrone advised that he had ample room for additional parking spaces and that the proposed sunken garden area could be utilized for parking if required. He further pointed out that the variance of the setback required would align the existing structure with others in the area.

Protests: None

In Board discussion, Paul Jenkins, Building Inspector, advised that the applicant must meet RM-2 requirements and that he had not been furnished a plan prior to the hearing to determine whether or not the requirements could be met. He pointed out that a building permit could not be issued until such time as all requirements had been met, the application had been approved, and an application requesting a variance of the rear yard requirement had been advertised and granted. Board Member Purser expressed concern with regard to the parking requirements not being met, while Board Member Smith advised that there is no sufficient room in which to meet the parking requirement of 10 spaces, advising that he had made a field check of the property. Board Member Jolly felt that the applicant had had sufficient time in which to provide information and felt that the request was too great for the Board to handle. Upon questioning, Mr. Jenkins advised that he had met with the applicant on various occasions and that an acceptable plot plan had never been provided, after which Mr. LeCrone advised that he would hire an architect rather than reworking the plans himself if a continuance of the application were considered.

Board Action:

On MOTION of BLESSING, the Board (5-0) continued application 9049 to July 15, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that an acceptable plot plan might be submitted and the variance of the rear yard requirement advertised.

Action Requested:

Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirements where an alternative screening will 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 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, attorney representing Bob Weir, advised the Board that the existing screening fence is located 25' south of the north property line of the entire property as was Mr. Weir's agreement with the property owners in the immediate area. He noted that there are some area residents, however, who object to the location of the screening fence and have requested that the fence be located on the lot line north of the parking area. Mr. Sublett submitted a petition (Exhibit "A-1") containing the signatures of the five property owners in the immediate area who request that the screening fence be maintained at its present location.

In Board discussion of the applicant's previous application regarding the subject property (Case No. 8524), Board Members Jolly and Purser pointed out that the previous application had been approved subject to the screening fence being located on the lot line to the north of the parking area, in common with the R District, in order that the parking area might be screened from the neighborhood. Board Member Purser advised it was not the Board's intention that the fence be placed 25' south of the northernmost property line as it had been constructed.

Mr. Sublett advised the Board that he had advised Mr. Weir of the Board's action, but that Mr. Weir stated he could not fulfill this requirement as he had entered into an agreement with the immediate property owners that the fence would be located 25' south of the northernmost property line. Mr. Sublett requested a waiver of the screening requirement between the R District and OL District, in order that the screening fence might be maintained as it existed prior to the May 31, 1976 storm. He noted that the high waters had damaged the fence and that a new fence would be required to be erected.

Protests:

Michael Tramontana, 2809 East 49th Street, advised the Board that he was in support of the Board's original decision regarding the erection of the screening fence on the lot line in common with the R District, noting that some of the residents in the area have been before the Board and various Commissions so many times in the past that they are "worn out" and feel that they are fighting for nothing as nothing has been accomplished since the applicant erected the screening fence where he pleased after the Board ordered that it be erected on the lot line in

common with the R District. He requested that the fence be required to be erected where the Board had first determined.

David Pauling, Assistant City Attorney, advised that the application before the Board this date is a new application and that past history regarding previous applications on the property should not be a part of the subject application.

Mrs. Susan Ferguson, 3017 East 49th Street, advised the Board that the property owners did not properly maintain the 25' strip when the fence was in place prior to the storm and did not expect that they would maintain the fence if it were reconstructed 25' south of the northernmost property line. She advised that the screening fence is a nuisance to the neighborhood and requested that the fence be required to be located on the lot line in common with the R District as was previously required by the Board but not fulfilled by the applicant. Mrs. Ferguson advised that they had not protested the parking lot application because Mr. Weir had advised them that the parking lot would be completely screened, but the fence was placed 25' south of the northernmost property line instead. She noted that Mr. Weir's promises to the area residents are never fulfilled. She requested that the fence be reconstructed on the lot line in common with the R District since it must be replaced because of the storm.

Mr. Sublett advised that the screening fence was originally erected where the residents wanted it and that he did not feel that the area residents had given sufficient reason why the screening fence would be injurious to the neighborhood.

Mr. Tramontana advised that many mistakes have been made with regard to Mr. Weir's development, but that none of them have been made by the area residents. He pointed out that one of the mistakes was that the parking lot had been developed farther to the north than proposed, but this was eventually permitted. Now, the fence has been improperly placed after a determination by the Board.

Board Action:

PURSER moved to deny the subject application, after which Board Member Jolly advised that the application before the Board this date is a new application and he could see nothing gained by the moving of the fence to the lot line in common with the R District. Board Member Smith concurred with these statements. Board Member Purser questioned whether or not the remaining Board Members had viewed the property, noting that it was her feeling that the fence as was erected 25' south of the property line constituted an eyesore for the neighborhood. Also, not knowing the history of the application, she noted that it would appear that all property behind the fence was commercial in nature rather than a great portion being zoned residential. Further, she pointed out that the screening fence 25' south of the northern property line does not, in fact, screen the parking lot from 49th Street. Board Member Blessing

9056 (continued)

noted that it had been one year since the Board approved the original application, subject to the screening being located on the lot line in common with the R District and that compliance with that requirement had been delayed for some period of time.

On MOTION of PURSER, the Board (3-2, with Jolly and Smith voting "nay") denied application 9056 on the following described tract:

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

9068

Action Requested:

Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1670) to permit storage of salvage materials without expansion of use; in the alternative, a determination that the use is a legal nonconforming use in an IL District located at 3816 North 78th East Avenue.

Presentation:

Steven Booth, attorney representing the property owner, advised the Board that the application before the Board is a request for a variance from applicable use unit provisions to permit the existing use on the property, and in the alternative, a determination by the Board as to whether or not the use is a legal nonconforming use.

Mr. Booth advised that his client, Mr. Mosier, had been before the Board previously (Case No. 8645) at which time the Board denied the applicant's request for an exception for the storage of junk and salvage on the subject property in addition to sustaining the decision of the Building Inspector. Mr. Mosier feels he should once again be before the Board on an appeal from the Building Inspector and felt that a determination by the Building Inspector might be provided this date in order that the action might be taken as an appeal from the Building Inspector. The application does include a variance which requires that unnecessary hardship be alleged. Mr. Booth advised that Mr. Mosier and interested parties are present to present evidence that the use is nonconforming, in addition to protestants that are also going to present their objections to the application. He pointed out that Mr. Mosier is prepared to present affidavits as evidence of the nonconforming use and requested that the Board either approve the exception requested or determine that a nonconforming use exists.

In discussion and upon questioning by the Board, David Pauling, Assistant City Attorney, questioned the type of storage proposed noting that if wood and construction materials were being stored, then that type of storage would be permitted by right in the IL District; it would not require an exception from the Board.

Board Member Jolly noted that there is no appeal from the Building Inspector before the Board at this time and felt that the variance could be undertaken at this time.

Mr. Mosier presented six affidavits (Exhibit "B-1") to the Board which state that those signing the affidavits know that the use has consisted of the storage of salvagable materials of different kinds for resale and that the use was commenced prior to June, 1963. Mr. Mosier advised the Board that he would like to continue operating the use which has been located on the property for a great number of years.

Mr. Pauling cited Section 1410, Nonconforming Uses of Unimproved Land, of the Tulsa Zoning Code, questioning Mr. Mosier as to whether or not the replacement cost of the accessory structures was more or less than \$1,000 and whether or not the structures covered more than 10% of the lot area. Mr. Mosier advised that the replacement cost of the structures was well under \$1,000 and that the structures cover much less than 10% of the lot area, after which Mr. Pauling noted that the nonconforming use, per the Zoning Code, would then have automatically been terminated five years from the effective date of this Code or from the date the use became nonconforming, whichever is later. Mr. Pauling pointed out that the principal use variance question is now pending in Supreme Court; if the applicant so desires the variance application could be continued pending a decision from the Courts. Under the present language of the Zoning Code, the Board does not have jurisdiction to make a determination regarding the use variance request.

Mr. Booth advised that his client would agree to a continuance if the Board felt that the matter was properly before them to be considered as a principal use variance pending a decision of the Supreme Court.

Board Member Jolly advised that he would support considering the application only as a principal use variance--the application to be continued, after which the remainder of the Board concurred.

Mr. Pauling pointed out that the variance filed this date would not stop the enforcement of the Code requirements and would not permit the use to lawfully continue as it would in the event an appeal from a decision of the Building Inspector was pending before the Board.

Protests:

Those present were advised that the Board did not have jurisdiction to review the subject application as a principal use variance at this time and that the application would be continued at which time their comments would be accepted.

Board Action:

On MOTION of SMITH, the Board (5-0) continued application 9068 to August 19, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, pending a decision of the Supreme Court regarding principal use variances.

9072

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 46' and a variance of the lot area requirements from 6,000 square feet to 2,300 square feet and 5,200 square feet to permit a lot-split (L-13724) in an RM-2 District located at the northeast corner of 10th Street and Birmingham Avenue.

Presentation:

B. Keith Pyle, representing Ruby Wallace, submitted a plot plan (Exhibit "C-1") and advised that the lot-split had been approved by the Planning Commission subject to the approval of the Board.

Protests: None

Board Action:

On MOTION of JOLLY, the Board (5-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 60' to 46' and a variance of the lot area requirements from 6,000 square feet to 2,300 square feet and 5,200 square feet to permit a lot-split (L-13724) in an RM-2 District on the following described tract:

The North 46' of the West Half of Lot 12, Block 11, Highland Addition and the South 104' of the West Half of Lot 12, Block 11, Highland Addition, LESS the East Half thereof, City of Tulsa, Tulsa County, State of Oklahoma.

9077

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a car wash facility and gasoline facility from the hours of 7 a.m. to midnight in a CS District located at 2126 South 117th East Avenue.

Presentation:

Tom Tannehill, attorney representing the prospective purchasers of the subject property, briefly reviewed the application and amended his request to permit the operation of only the four northernmost car wash bays and the gasoline facility to remain open between the hours of 9:00 p.m. and midnight, noting that the operational bays at that particular time would be some 100' from the five foot wall between the subject property and the residence to the south. Additional amendments would include an attendant who would be on duty at all times that the gasoline facility was open and that he would be responsible for picking up litter on the property, and that the southernmost wall be extended four feet to the east and four feet to the west to prohibit overspray from hitting the property to the south.

6.17.76:214(9)

9077 (continued)

Protests:

Lewis Dillon, 2142 South 117th East Avenue, property owner to the immediate south of the property in question, advised the Board that he had observed the operation since the previous meeting and that the car wash facility had been open as early as 6:00 a.m. and as late as 11:00 p.m. He reiterated his previous objections to the application and noted, upon questioning, that he would object to the operation of the four northernmost bays after 9:00 p.m. because of the noise involved with the operation by the facility itself and the customers who utilize the facility. He presented two photographs of his home and the unkept facility for the Board's review.

Mr. Tannehill felt that Mr. Dillon was opposed to the entire operation and that no concessions presented would satisfy his arguments. He noted he would have no objections if the application were approved as amended this date.

Board Action:

On MOTION of PURSER, the Board (5-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a car wash and gasoline facility between the hours of 7:00 a.m. and 9:00 p.m., with only the northernmost four car wash bays being permitted to operate between the hours of 9:00 p.m. and midnight if there is an attendant on duty, and subject to the southernmost car wash bay wall being extended four feet to the east and four feet to the west to prevent overspray onto the adjoining property, in a CS District on the following described tract:

The South 170' of the South 335' of Lot 1, Block 1, Briana Ann Addition to the City of Tulsa, Oklahoma.

9079

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a used car sales lot in a CS District located at 9430 East 31st Street.

Presentation:

Dave Rich, the applicant, was not present; however, the Staff advised that the applicant had requested that the subject application be withdrawn.

Protests: None

Board Action:

There being no objections, the Chair declared application 9079 withdrawn.

NEW APPLICATIONS

9085

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1202 - Area-Wide Special Exception Uses) to erect a telephone exchange building; and 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 132' and a variance of the area requirements from 2.5 acres to .84 acres to permit a lot-split (L-13719) in an AG District located at 7340 South Mingo Road.

Presentation:

Ike Freeman, representing General Telephone Company, submitted a plot plan (Exhibit "D-1") requesting permission to enlarge the existing telephone exchange building on the subject property.

With regard to the minor variances to permit a lot-split, Mr. Jones advised that the lot-split had not yet been reviewed by the Planning Commission, due to the lack of a quorum, and suggested that the application might be approved subject to the approval of the Planning Commission. He noted that the application for the exchange building is before the Board as a courtesy to area property owners.

Protests: None

Board Action:

On MOTION of PURSER, the Board (5-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1202 - Area-Wide Special Exception Uses) to erect a telephone exchange building per plot plan; and 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 132' and a variance of the area requirements from 2.5 acres to .84 acres to permit a lot-split (L-13719), subject to the approval of the Planning Commission, in an AG District on the following described tract:

The South 132' of the East 330' of the SE/4 of the NE/4 of Section 12, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

9086

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-1 District located at 3363 South 63rd West Avenue.

Presentation:

Mrs. H. B. Byrd requested an additional year to maintain her mobile home on the subject property, noting that her husband is completely disabled and the mobile home was purchased for economic reasons. She advised that

9086 (continued)

there are other mobile homes within one block of the subject tract.

Protests: None

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home for a period of one year, subject to the customary removal bond, in an RS-1 District on the following described tract:

Lot 6, Block 3, Berryhill Acres Addition to the City of
Tulsa, Oklahoma.

9087

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) to erect a 2,400 square foot steel building to be used to store farm equipment and seed in an RS-2 District located at 5402 North Lewis Avenue.

Presentation:

Anice Smith submitted a plot plan (Exhibit "E-1") requesting permission to erect a 2,400 square foot building on the property to be used for the storage of farm equipment and seed that is utilized for a 200-acre tract which they lease elsewhere. She advised that they had cleaned up the subject property after they purchased it, noting that 65 loads of debris were removed from the property. Upon questioning, Mrs. Smith advised that they plan to remove the existing barn structure from the property.

Protests: None

The Staff submitted a communication (Exhibit "E-2") from Mrs. Floyd Franklin, 5508 North Lewis Avenue, advising that she has no objections to the subject application as the proposal would be an improvement to the area.

Board Action:

On MOTION of SMITH, the Board (5-0) approved a Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) to erect a 2,400 square foot steel building, per plot plan, to be used to store farm equipment and seed in an RS-2 District on the following described tract:

S/2, S/2, SE/4, NE/4, NE/4 of Section 7, Township 20 North,
Range 13 East, Tulsa County, Oklahoma.

(Blessing out 3:40 p.m.)

9088

Action Requested:

Exception (Section 1680 - Special Exceptions - Off-Street Parking) to establish off-street parking to be used in conjunction with a commercial use on an adjoining property in an RS-3 District located at the northeast corner of 15th Street and Owasso Avenue.

Presentation:

Gary Rice requested permission to establish off-street parking on the subject property in conjunction with the commercial development that is being planned for the northwest corner of 15th and Peoria in order to provide sufficient off-street parking for the commercial establishment. He described the area and the uses existing, noting that there is not sufficient off-street parking at present and that additional off-street parking would be needed for the restaurant facility that is to be constructed to the east. He pointed out that he is aware of the screening requirements and that he would have no objection to signing a tie contract in order that the subject property could not be sold on an individual basis as it is to be utilized in conjunction with the tract to the east.

Protests: None

Board Action:

On MOTION of JOLLY, the Board (3-0-1, with Smith "abstaining") approved an Exception (Section 1680 - Special Exceptions - Off-Street Parking) to establish off-street parking to be used in conjunction with a commercial use on an adjoining property, subject to the applicant's entering into a contract whereby the subject property could not be sold on an individual basis, in an RS-3 District on the following described tract:

Lot 6, Block 16, Broadmoor Addition to the City of Tulsa,
Oklahoma.

(Blessing in 3:49 p.m.)

9089

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to locate a mobile home; and a Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670) to use a private drive in lieu of dedicated right-of-way in an AG District located at 834 West 84th Street.

Presentation:

Richard D. Summers advised the Board that he had purchased a double-wide mobile home and placed it on the subject 2.6 acre tract that he had acquired from his mother-in-law. He stated he was not aware that a building permit was required and found that approval of the Board and a permit were required at the time he requested electrical

9089 (continued)

service to the mobile home. He advised that he has improved the property and is in the process of constructing a continuous foundation around the mobile home, per six photographs (Exhibit "F-1") which he submitted for the Board's review. With regard to the variance requested, Mr. Summers advised that he is presently utilizing a private drive that crosses his mother-in-law's property as access to his tract. Upon questioning, Mr. Summers advised that he would have no problem in obtaining a perpetual easement from his mother-in-law for access purposes to run with the subject property.

Protests: None

Board Action:

On MOTION of JOLLY, the Board (5-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to locate a mobile home; and a Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670) to use a private drive in lieu of a dedicated right-of-way, subject to the applicant's obtaining and filing with the Board an agreement that a portion of the surrounding property has been granted as a perpetual easement for access purposes to the subject property in an AG District on the following described tract:

A tract of ground situated in the S/2 of the NE/4 of Section 14, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma, and being more particularly described as follows: Beginning at a point on the North line of the S/2 of the NE/4 708.13' West of the NE/c thereof; thence South 0°06'53.35" West a distance of 208.71'; thence North 89°52'27.8" West a distance of 542.65'; thence North 0°06'53.35" East a distance of 208.71' to a point on the North line of the SE/4 of the NE/4 203.2' East of the NW/c thereof; thence Easterly along said North line a distance of 542.65' to the point of beginning.

9090

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for private club purposes and to permit the installation of two lighted tennis courts and a two-story building in an RS-1 District located southeast of 61st Street and Lewis Avenue.

Presentation:

Carl Reeds, representing Southern Hills Country Club, submitted a plat (Exhibit "G-1") of the subject property and a plot plan (Exhibit "G-2") pointing out the proposed location of the lighted tennis courts and a pro shop which, if approved, would be surrounded by existing lighted courts. The application also includes a request to use the subject property for private club purposes as the property is zoned RS-1 and is a nonconforming use. Mr. Reeds advised that the court surfaces will

9090 (continued)

be constructed at this time in order that they might be used for the tent for the 1977 Open, with the courts being completed after the golf tournament.

Protests: None

Interested Party:

John Sublett, attorney representing the property owner to the south, Bob Tyler, advised that his client had purchased his property and was concerned with the location of the lighted courts. Mr. Sublett then reviewed the plot plan with the applicant and it was pointed out that the proposed courts would be surrounded on three sides by existing courts.

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for private club purposes and to permit the installation of two lighted tennis courts and a pro shop, per plot plan, in an RS-1 District on the following described tract:

A part of the N/2 of Section 5, Township 18 North, Range 13 East, Tulsa County, Oklahoma; more particularly described as follows: Beginning at a point 255' north and 258' west of the NE/c of Lot 4, Block 1, Vinson Addition; thence North 135'; thence West 195'; thence South 135'; thence East 195' to the point of beginning.

9091

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an RS-3 District located at 5904 East 7th Street.

Presentation:

Leta May, the applicant, was represented by her husband who submitted a plot plan (Exhibit "H-1"), advising that his wife is wishing to operate a beauty shop as a home occupation per the regulations of a home occupation. Upon questioning, he advised that they are planning to convert their garage into the shop and that they have a two-car driveway that can be utilized for the patrons' automobiles. She also would operate the shop five days per week.

Protests: None

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop, the approval being

9091 (continued)

granted to this applicant only, in an RS-3 District on the following described tract:

Lots 13 and 14, Block 5, Glen Haven Addition to the City of Tulsa, Oklahoma.

9092

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to locate a mobile home; 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 to permit a mobile home on a 2.3 acre tract; and a Minor Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) for a variance of the lot area requirements to permit a lot-split (L-13732) in an AG District located southwest of 136th Street North and 95th East Avenue.

Presentation:

Mrs. J. D. Deason requested permission to locate a mobile home on the subject property until such time as a permanent residence can be constructed on the 2.3 acre tract. The Board was advised that 2.3 acres was all that could be purchased, that the sale was contingent upon the approval, and a variance of the five acre minimum was required.

The Staff pointed out that the lot-split had not yet been reviewed by the Planning Commission, due to the lack of a quorum on June 16, 1976.

Protests: None

Interested Party:

Connie Sexton, Route 3, Box 365, Collinsville, advised the Board that she owns property to the south of the subject tract. Mrs. Sexton advised that she was not objecting to the mobile home being placed on the property at the present time, but that she would like to see a time limit placed on the approval as the area is in a development stage and she felt that a mobile home being located in the area might devalue properties. She noted that she and her husband had trouble getting their home financed because of the mobile homes in the area.

Board Action:

On MOTION of PURSER, the Board (5-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District) to locate a mobile home for a period of three years; 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 to permit a mobile home on a 2.3 acre tract; and a Minor Variance (Section 330 - Bulk and Area Requirements in the Agriculture

9092 (continued)

District - Under the Provisions of Section 1630) for a variance of the lot area requirements to permit a lot-split (L-13732), subject to the approval of the lot-split by the Tulsa Metropolitan Area Planning Commission, in an AG District on the following described tract:

The North 238.6' of the West 421.46' of the East 1135.9' of the NE/4 of Section 36, Township 22 North, Range 13 East, Tulsa County, Oklahoma.

9093

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1212 - Eating Places, Other Than Drive-Ins - Section 1213 - Convenience Goods and Services - Section 1214 - Shopping Goods and Services) to operate a shopping center that would allow Use Unit 12, 13 and 14 uses in an IL District located at the northeast corner of Pine Street and Yale Avenue.

Presentation:

John Sublett requested permission to operate a shopping center which would allow Use Unit 12, 13 and 14 uses on the subject 21+ acre IL tract, which would be compatible with the various nonresidential zonings and developments in the immediate area. Mr. Sublett presented a plat for the Board's review, noting that the property had never been platted, but that a plat had been filed recently. He also presented an architect's concept of the use that might be made of the tract, noting access points, parking and the location of the commercial structures. It was pointed out that no waivers were requested at this time.

Protests: None

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1212 - Eating Places, Other Than Drive-Ins - Section 1213 - Convenience Goods and Services - Section 1214 - Shopping Goods and Services) to operate a shopping center that would allow Use Unit 12, 13 and 14 uses, subject to the filing of a plat, in an IL District on the following described tract:

A portion of the S/2 of the SW/4 of Section 27, Township 20 North, Range 13 East of the Indian Base and Meridian, in the City and County of Tulsa, Oklahoma, more particularly described as follows:

Beginning at the SW/c of said S/2 of the SW/4; thence due East along the South boundary thereof, a distance of 960.60' to a

9093 (continued)

point; thence due North a distance of 1006.85' to a point in the southerly right-of-way line of the St. Louis & San Francisco main-line right-of-way; thence S 84°34'20" West a distance of 965.64' to a point in the West section line of said Section 27; thence S 0°02'40" East along the West section line a distance of 915.51' to the point of beginning.

9094

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 340 - Mobile Homes) to locate a mobile home in an AG District located northwest of 141st Street and Harvard.

Presentation:

Mrs. Eugene Lykins submitted a plot plan (Exhibit "I-1") requesting permission to locate a mobile home on the subject property in order that the farm tenants who care for the cattle and farm land might reside on the property.

Protests: None

Board Action:

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

Beginning at the SE/c of Section 8, Township 17 North, Range 13 East, Tulsa County, Oklahoma; thence 340' West to the point of beginning; thence North 660'; West 330'; South 660'; East 330' to the point of beginning.

9095

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 school in an RS-3 District located at 4588 North Mingo.

Presentation:

Bill Snodgrass, representing Mingo School District #16, presented a plot plan to the Board requesting permission to use the subject property for a public school, noting that a new gymnasium and physical education facility is proposed on the existing and developed school property. It was pointed out that the school use was being requested in order that future expansion might take place without additional permission being required.

Protests: None

9095 (continued)

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for a public school in an RS-3 District on the following described tract:

NE/4, NE/4, NE/4, less the West 189' of the North 418.23' thereof; and less a tract beginning at the SE/c of NE/4, NE/4, NE/4, thence West 40'; thence North 606.7'; thence North 45° West a distance of 31.6'; thence West 72.6'; thence North 30' to a point on the North line of NE/4, NE/4, NE/4; thence East along the North line a distance of 135' to the Northeast corner; thence South along the East line a distance of 659' to the point of beginning in Section 13, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

(Smith out 4:35 p.m.)

9096

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to permit the Salvation Army to develop an East Side Community Center in an RS-2 District located southeast of 24th Street and South 129th East Avenue.

Presentation:

Lindsay Perkins, representing the Salvation Army, advised the Board that the Salvation Army had acquired an option on the subject 26 acre tract for the purpose of developing an East Side Community Center. He introduced Major Jack Waters who advised the Board that the Center, which will not be completed until 1981 or 1982, would contain a family community center, day care center, senior citizens center and activities for the entire family within the proposed 15,000 square foot structure similar to that shown on the architect's rendering of the Broken Arrow Community Center which he presented to the Board for their review. Major Waters advised that a plot plan had not yet been drawn for this facility, noting that they would have no objection to entering into a tie contract, having the access approved by the Traffic Engineer, or platting the property which would require approval of access, drainage, etc.

Mr. Jones suggested that a plot plan for the development be required.

Protests:

Raymond Reese, Route 1, Liberty Heights, Bixby, advised the Board that he owns property to the north of the subject tract and that he felt the location of the community center on the subject property would devalue other properties in the area. He pointed out that his property

is increasing in value at present, but that the value would decrease if the application were approved.

Major Waters advised the Board and protestant that it had been his experience to find that most persons enjoy living so near a community center as it provides services for the entire family. He felt that the location of the center on the subject property would increase rather than decrease property values in the area. Major Waters pointed out that the proposed center is strictly an educational and recreational facility and not for other Army activities, noting that similar centers are being developed in Broken Arrow and Sand Springs, while the Downtown Tulsa Center and West Side Center are being enlarged.

Upon questioning by the Board, David Pauling, Assistant City Attorney, advised the Board that the application could be approved in concept with a condition that prior to the issuance of any building permits the plot plan be submitted to the Board for review.

Board Action:

On MOTION of JOLLY, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) in concept, to permit the Salvation Army to develop an East Side Community Center, subject to the property being platted and subject to a plot plan being reviewed by the Board prior to the issuance of any building permits, in an RS-2 District on the following described tract:

Starting at the SW/c of the S/2 of the NW/4 of Section 16, Township 19 North, Range 14 East, Tulsa County, Oklahoma; thence 325.25' East; thence 40' North to the point of beginning; thence 140' East; thence 220' North; thence 140' West; thence 220' South to the point of beginning; and

The following tracts located in the W/2, SW/4, NW/4 of Section 16, Township 19 North, Range 14 East, Tulsa County, Oklahoma; to-wit:

South 671.5' of East 225.25' of West 275.25' of the SW/4, NW/4 of said Section 16, and,

North 451.5' of the South 671.5' of the East 144.75' of the West 470' and the North 220' of the South 260' of the East 4.75' of the West 470' of the SW/4, NW/4 of said Section 16.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1206 - Single-family Dwelling) to erect a single-family dwelling in an RMH District located at 8441 South Union.

9097 (continued)

Presentation:

John Sublett advised the Board that the subject property had been designated RMH by the Courts and that the financing for the mobile home park was lost in 1974. His client is now proposing to purchase the property, vacate the existing plat and erect a single-family residence and accessory garage on the property. He noted that a rezoning application had been filed to rezone the property to the AG classification. Upon questioning, Mr. Sublett reiterated that the entire property would be under one ownership, but that his client is requesting approval only on that 300' x 300' portion to contain the residence and accessory building, pointing out that the property would be requested for rezoning and the existing plat vacated. With regard to replatting, it was pointed out that replatting of the property would not be necessary.

Protests: None

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1206 - Single-family Dwelling) to erect a single-family dwelling on the subject property subject to the vacating of the existing plat, and ~~subject to the rezoning of the property from RMH to AG, in an RMH~~ District on the following described tract:

Part of Lot 1, Block 1, High Chaparral Addition to the City of Tulsa, Oklahoma; more particularly described as follows: Beginning at a point on the West line of Lot 1, 662.95' South of the NW/c; thence East 300' to the point of beginning; thence East 300'; thence North 300'; thence West 300'; thence South 300' to the point of beginning.

*Amended by BOA
7/1/76 8:15 AM
22 minutes*

9098

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 340 - Mobile Homes) to locate a mobile home in an AG District located at the southwest corner of South 145th East Avenue and 126th Street North.

Presentation:

Mrs. R. W. McGinnis requested permission to locate a mobile home on the subject property for a period of at least two years.

Protests: None

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 340 - Mobile Homes) to locate a mobile home for a period of five years in an

9098 (continued)

AG District on the following described tract:

NE/4, NE/4, NE/4 of Section 4, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

9100

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 north and east of 129th East Avenue and Admiral Place.

Presentation:

Carl Sampson, Jr. requested permission to locate a mobile home on the subject property behind the existing residence in order that his ill mother-in-law might be cared for by he and his family.

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 (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:

Beginning 297' South and 293.4' East of the NW/c of Lot 4, Section 4, Township 19 North, Range 14 East, Tulsa County, Oklahoma; thence East 99.8'; thence North 297'; thence West 99.8'; thence South 297' to the point of beginning.

9103

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 200.5' to permit a lot-split (L-13741) in an AG District located at 9340 South Elwood.

Presentation:

Rosalita Lewis, the applicant, was not present.

The Staff advised that the lot-split had not been approved by the Planning Commission, due to the lack of a quorum on June 16, 1976.

Protests: None

Board Action:

On MOTION of JOLLY, the Board (4-0) continued application 9103 to July 1, 1976, 1:30 p.m., Langenheimer Auditorium, City Hall, Tulsa Civic Center.

9105

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home; 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 9100 North Harvard.

Presentation:

Rick Dorsett requested permission to locate a mobile home on the 4.94 acre tract as he lives in a mobile home park in Owasso which is located in the floodplain and he would like to relocate. Upon questioning, he noted that there area other mobile homes in the area.

Protests: None

Board Action:

On MOTION of PURSER, the Board (4-0) 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; 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:

Beginning at the SE/c of the NE/4 of Section 20, Township 21 North, Range 13 East, Tulsa County, Oklahoma thence North 165'; thence West 1290'; thence South 165'; thence East 1290' to the point of beginning.

9101

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a recreation area for church use only to consist of softball diamonds, a track field, a football field, soccer courts, tennis courts, recreation area (picnics and nature study hikes), bus garage and storage barns, and parking in an RD and RS-3 District located northwest of 15th Street and South 79th East Avenue.

Presentation:

Pastor Charles Pack, representing Faith Baptist Church, submitted a plot plan (Exhibit "J-1") requesting permission for the Church to operate a recreation area on the subject property in conjunction with the Church and its parochial school. Pastor Pack advised that there are 171 students enrolled in the school and recreational and sports facilities are needed for the students. He pointed out that the facility would be restricted to Church and school membership only and for other church organizations if so required; however, it would not be for the use of the general public. Pastor Pack reviewed the plot plan, noting the

access available to South 77th and South 79th East Avenues and the four acre portion of the tract that is proposed as a picnic and park area because it is the lowest portion of the property and has experienced drainage problems.

Protests:

Gary Underwood, 1323 South 77th East Avenue, submitted a protest petition (Exhibit "J-2") containing the signatures of 42 residents who object to the requested use of the subject property based on increased traffic, increased flooding and the fact that the use would create an invasion of their privacy by a large number of participants in the proposed activities. The area residents also opposed the construction of unsightly outbuildings such as a bus garage and/or storage barn and parking lot, they opposed the increase in noise that would be created by participants and observers, and felt that the facilities at McClure Park could be utilized at the Church's advantage.

M. A. Rorax, 1328 South 77th East Avenue, advised that the subject property is located in a known flood area and that he opposed garages and storage barns being located on the subject property which is located directly east of his home.

Mrs. T. G. Pinkston, 1336 South 77th East Avenue, advised the Board that the access to the subject property is located directly in front of her home, that the streets in the area are narrow and in need of repair, that she has resided on her property for 20 years and that she is definitely opposed to the subject proposal.

Pastor Pack advised that the existing access to South 77th East Avenue could be closed if the City would open 14th Street which would provide access directly to the property. Also, the entire property could be fenced in order that the only access would be via the point at 14th Street. The Pastor advised that a PUD was approved in 1971 which would permit the construction of 29 duplex and fourplex units on the property, noting that this use would have a greater affect on the area than the proposed use.

Paul Jenkins, Building Inspector, pointed out that a determination would be required as to whether or not the bus garage and/or storage barn were accessory to the principal use.

Clint Thorpe, member of the Faith Baptist Church, advised the Board that there is one existing concrete slab on the property at present and the garage was proposed at that specific location to be used for repair of the Church vehicles, pointing out that only one structure is contemplated.

In Board discussion, Board Member Jolly suggested that the Staff might provide a study of the area in general and provide also a Staff Recommendation with regard to the subject proposal.

9101 (continued)

Board Action:

On MOTION of JOLLY, the Board (4-0) continued application 9101 to July 15, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center in order that the Staff might undertake a special study of the area and present a recommendation with regard to the subject proposal.

ADDITIONAL ITEMS

9071

The Staff advised the Board that the Board had previously granted approval of the subject application subject to a plot plan being submitted to the Board for its review in order that the Board might determine whether or not their intent with regard to screening and landscaping had been carried out. The Staff submitted the applicant's plot plan (Exhibit "K-1"), the Board reviewed the plan and determined that it had been prepared per the Board's approval.

Communication

8727

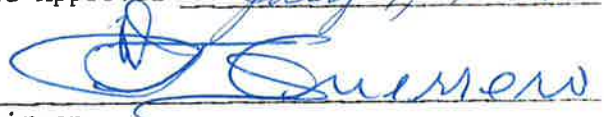
This is a Communication (Exhibit "L-1") from David Pauling, Assistant City Attorney, advising that the Minutes of the subject application, dated September 4, 1975, reflect the Board's concern that the approved "care home" not become a nursing home. Recent proceedings in District Court pertaining to this home have resulted in a finding that the home is being operated as an intermediate care nursing home. The subject home is also being operated for the benefit of nine individuals in violation of the Board's restriction that not more than six individuals be cared for in this facility. In view of these considerations, Mr. Pauling requested an opportunity to review the facts and circumstances concerning the operation with the Board in order that the Board might make a determination as to whether or not proceedings through the Board should be instituted for revoking its previous approval of the use.

In Board discussion, it was the consensus of the Board that proceedings should be begun to revoke its previous approval.

On MOTION of JOLLY, the Board (4-0) directed that proceedings begin for revoking the Board's previous approval of application 8727 on the subject property.

There being no further business, the Chair declared the meeting adjourned at 5:40 p.m.

Date Approved

July 1, 1976

Chairman