

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 217
Thursday, August 5, 1976, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Blessing
Guerrero, Chairman
Jolly
Purser, Mrs.
Smith (in 1:40 p.m.)

STAFF PRESENT

Edwards
Etter, Mrs.
Gardner
Jones

OTHERS PRESENT

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

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

MINUTES:

On MOTION of BLESSING, the Board (4-0) approved the Minutes of July 1, 1976 (No. 215) and the Minutes of July 15, 1976 (No. 216).

UNFINISHED BUSINESS:

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:

Bill Young, representing Tulsa Four Wheeler, Inc., advised the Board, upon questioning regarding the legal description advertised, that a surveyor's plat was not obtained for the property in question due to the amount of money involved. He noted that the club was requesting temporary use of the property (2 years) to be utilized as a four-wheel drive automobile recreational club and course. He pointed out that five acres of the total tract is owned by Lauren Danforth and the owner of the remaining parcel, Charles Banfield has attempted to purchase the five acres from Mr. Danforth. Upon questioning, Mr. Young advised it would take approximately 30 days to obtain the required information, noting that if the information cannot be obtained, the application would be withdrawn. He further pointed out that the club had attempted to lease the five acres from Mr. Danforth, noting that Mr. Danforth had no objection to the use being undertaken on the remaining 61 acres under application.

9030 (continued)

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (5-0) continued application 9030 to September 16, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that the applicant might provide a correct legal description of the property to be utilized by the use, noting that a decision would be rendered at that time.

9112

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect two duplexes in an RS-3 District located at the southwest corner of 37th Street and 82nd East Avenue.

Presentation:

Jim Parker, the applicant, was not present. The Staff advised that Mr. Parker had called and requested the subject application be withdrawn from public hearing since his option time had elapsed.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) withdrew application 9112 from public hearing as requested by the applicant.

9120

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) to terminate an auto salvage operation at 123 North Peoria; a Variance (Section 910 - Principal Uses Permitted in the Industrial District - Under the Provisions of Section 1670) to continue operation of an auto salvage yard; and an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements where an alternative screening will provide visual separation of uses in an IL District located at 123 North Peoria and the southeast corner of Peoria Avenue and Easton Street.

Presentation:

Bob Butler, attorney representing Earl Reynolds, stated to the Board that he had been advised by the Staff that the property to the east which has been occupied by the salvage operation since 1938 has a question regarding the zoning of the area over a period of the past 30 years. Also, if the determination by the Legal Department and Board is that the property is zoned IL the Board would not have the authority to permit the salvage operation since the Zoning Code does not permit a salvage yard in the IL District by right or by exception via the Board. He requested the application be continued in order

that he and his client might file a rezoning application on that property to the east of the Frisco property, after which the entire application would be presented to the Board. He noted that he did not wish to present a partial application at this time, and upon questioning advised that a 90-day continuance would be required in order for the zoning application to be completely processed.

Protests:

George Owens, 1606 First National Building, requested the subject request for a continuance be denied and the application withdrawn as this is a combined application covering property in two separate additions. He noted that the application on that portion of the property which lies within the Capitol Hill Addition will be protested before the Planning and City Commissions and taken possibly to District Court which will keep the subject application pending for a lengthy period of time. Mr. Owens felt that the subject application should be withdrawn and refiled when the rezoning is obtained.

Mr. Butler, upon hearing Mr. Owens' statements, felt that the entire application should be considered rather than on a piece-meal basis, noting that the zoning is related to the subject application and a dismissal of the application would require additional expense on behalf of his client. Mr. Butler advised further that he found out only this date that there was a zoning question involved.

Mr. Gardner presented the Staff's memorandum (Exhibit "A-1") regarding the property in question, pointing out that neither Mr. Butler nor his client received a copy of the memorandum until just before the meeting this date. He noted that the property on the east side of Peoria has questions concerning its usage within the past and the applicant should be given sufficient time in which to present information to the Board regarding the facts surrounding the existence of the operation on the properties in question.

In his comments to the Board, David Pauling, Assistant City Attorney, pointed out that the subject application was filed on appeal from the decision of the Building Inspector who felt that the use was not a legal nonconforming use. Should the Board deny the application, the applicant would have ten days in which to appeal to District Court. He also pointed out that the application, as filed, requests a variance to permit the continued operation of the property which is prohibited by the existing Ordinance; however, there is a case pending in the Supreme Court at the present time regarding principal use variances and the decision might possibly be rendered within the next 90 days should the Board support a continuance of the application.

Board Member Jolly felt that there were two separate questions involved with the application and that since the uses are being undertaken on two separate properties, that a decision could be rendered without a continuance regarding the operation on the property to the west of Peoria, with the balance of the application being continued for a period of 90 days. He felt that hearing a portion of the application this date would place a hardship on the applicant since he was not aware of the zoning problem prior to the meeting. Board Member Jolly supported a continuance

9120 (continued)

of the application on that portion of the property to the east of Peoria for a period of 90 days, and a continuance of the application on that portion of the property to the west of Peoria for a period of two weeks.

Upon questioning, Mr. Owens noted he had no objections to this suggestion.

Board Action:

On MOTION of JOLLY, the Board (5-0) continued to August 19, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, that portion of the application lying west of Peoria Avenue; and continued to November 4, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, that portion of the application lying east of Peoria Avenue.

NEW APPLICATIONS:

9125

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 and area requirements to permit a lot-split (L-13753) in an AG District located at 122nd Street North and North 129th East Avenue.

Presentation:

A representative for Ralph Garvin, the applicant, was present. The Staff 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 PURSER, the Board (5-0) 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 and area requirements to permit a lot-split (L-13753) in an AG District on the following described tract:

The North 190' of the South 220' of the West 148' of the East 198' of the NE/4, SE/4, NE/4 of Section 5, Township 21 North, Range 14 East in Tulsa County, Oklahoma.

9138

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RM-2 District located at 6235 West 10th Street.

Presentation:

David Kasper requested permission to locate his mobile home on the subject property which is presently vacant, advising that there are approximately three other mobile homes in the area.

9138 (continued)

Mr. Gardner pointed out that the intent of the Ordinance is to permit mobile homes in the Residential Districts on a temporary basis, pointing out that the area surrounding the property is zoned multifamily for redevelopment purposes. He noted that the applicant should understand that circumstances may change within the next year which would make the property unsuitable for the maintenance of a mobile home.

Upon questioning by the Board, Mr. Kasper advised that he is planning to either build a residence on the property or have a residence moved to the property in the future.

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 RM-2 District on the following described tract:

The South 155' of Lot 8, Block 6, Lawnwood Addition to the City of Tulsa, Oklahoma.

9140

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 1528 North 67th East Avenue.

Presentation:

Earl Ellis requested permission for his wife to operate a home beauty shop on the subject property, noting that there would be no parking problems as the driveway is to be widened and the neighbors advised that their driveways may be used by customers when they are away from the home. Upon questioning, Mr. Ellis advised that the hours of operation would be between 9 a.m. and 4 p.m., no more than five days per week.

Protests: None.

Board Action:

On MOTION of JOLLY, 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 as presented, in an RS-3 District on the following described tract:

Lot 13, Block 3, Spartan Court Addition to the City of Tulsa, Okla.

9141

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a real estate and bookkeeping office) in an RS-3 District located at 6734 East 10th Street.

Presentation:

Marlene Byrne requested permission to operate a real estate and book-keeping office in her home on a temporary basis until such time as the business is large enough to require moving to another location. She noted that she would be the only employee in the business and that she is a licensed real estate broker, but that she does not plan to have sales persons under her supervision while the operation is undertaken in the home. She presented two letters (Exhibit "B-1") from abutting property owners who have no objection to the use, noting that she is aware of the regulations of a home occupation. Upon questioning by the Board, Mrs. Byrne advised that she anticipates only telephone and book work as the listings will be undertaken within the residence being listed and the closing being undertaken at mortgage companies. Mrs. Byrne further noted that she would like to operate the business in her home as long as possible, reiterating that the business would be re-located if it grew to the point that additional help was required.

Protests:

None present. The Staff presented two letters (Exhibit "B-2") from area residents opposed to the subject application on the basis of additional traffic and that the use would be a commercial encroachment.

Board Action:

On MOTION of PURSER, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a real estate and bookkeeping office by the applicant only, not to run with the land, in an RS-3 District on the following described tract:

Lot 4, Block 33, Sheridan Hills Addition to the City of Tulsa, Okla.

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 6315 West 23rd Street.

Presentation:

Gloria Fields requested permission to locate a mobile home, which she is in the process of purchasing, on the subject property, advising that she owns the property at the present time. She also pointed out that there are other mobile homes in the area.

Mr. Gardner pointed out that this is a residential area and that the Code permits mobile homes in the area on a temporary basis by exception via the Board, pointing out that circumstances may not warrant the granting of approval year after year.

Protests: None.

9143 (continued)

Board Action:

On MOTION of BLESSING, 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 in an RS-3 District on the following described tract:

The E/2 of Lot 6, Block 2, West Tulsa View Acres Addition to the City of Tulsa, Oklahoma.

9144

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to construct, maintain and operate a Moose Lodge in an RD and RM-1 District located at the southwest corner of 7th Street and South Garnett Road.

Presentation:

Jerry Gordon submitted the plot plan (Exhibit "C-1") and requested permission to construct, maintain and operate a Moose Lodge on the subject property--the structure to be located in the southwest corner of the five acre tract. Mr. Gordon advised the Board that he is familiar with the surrounding area as he owns other property in the area and knows that the property is not within a designated flood area.

Mr. Gardner advised that approximately the southern one-third of the property may be located within the recently adopted flood moratorium in which the City will not permit construction. The plot plan submitted shows the structure within the southwest corner of the property which may be in the flood moratorium; therefore, the applicant must either provide a statement from the City Engineer that the structure can be permitted in this area or he must amend his plot plan relocating the structure on the property out of the moratorium area.

Upon questioning, Mr. Gordon advised he would have no objection to relocating the structure on the property and noted that he had not discussed access with the Traffic Engineering Department.

Mr. Gardner advised that the Staff has no objection to the proposed use from a planning standpoint, noting that between 40 and 50 dwelling units are permitted on the property under the existing zoning pattern. He noted that the applicant may need to amend his plot plan in order to obtain a building permit, and suggested that the access and drainage could be worked out between the applicant and appropriate City departments during the time in which the applicant is amending his plot plan.

Protests:

Mr. Anderson, attorney representing Jerry Cantrell of 11303 East 7th Street, felt that construction of the Lodge would add to the runoff being experienced in the area. Mr. Anderson questioned whether or not the Lodge would be compatible in this area as there are two churches and one elementary school located within the immediate area. He did not feel that the use would increase the aesthetic values of the area, noting that this use would more than likely not be permitted by the restrictive covenants of

the area. Regardless of any flooding problems in the area, Mr. Anderson felt that the subject application should be denied.

Interested Parties:

Roy Hatfield, 7709 East 21st Place, advised the Board that he has resided in the immediate area for 25 years and that high waters have never been close to the property. He further questioned how the property was designated as flood prone.

Larry Funk, Governor of the Moose Lodge, advised the Board of the Lodge's activities and purposes, noting that it is a world-wide fraternal organization which is basically family-oriented. Mr. Funk advised that there are social functions held at the Lodge which permit drinking and dancing, but he did not feel that the use should be considered detrimental to the area. Upon questioning by the Board, Mr. Funk advised that the present Moose Lodge facility is located at Mohawk Park, that weekly meetings are held at the Lodge and that an executive secretary offices at the Lodge. He anticipated no problem in relocating the structure out of the moratorium area, pointing out that the Lodge was proposed at the location shown on the plot plan in order that it would be located at that point which is furthest away from the church and school.

B. A. Arnold, 1211 South 107th East Avenue, advised the Board that he owns 2½ acres in the immediate area and advised of the drainage problems that have been experienced in the area. He noted his only concern with regard to the subject application was that of drainage and the additional runoff that might be created by additional development in the area. He also expressed concern with regard to the landfiling that is being undertaken by one of the churches in the area.

Paul Brooks, 123 South 117th East Avenue, a member of the Garnett Road Baptist Church, felt that the Lodge at the proposed location would not help the community and would hinder the Church's and school's activities.

Wendy Carlton, 1319 North Delaware, advised the Board that her daughter lives in the Mingo Creek area and that she has seen what the floods within the past few years have done to the residents in the area. She further noted that she would protest any construction between Admiral and 11th Street, Mingo and Garnett until such time as the flooding problems have been alleviated. She noted she did not object to the Lodge itself or its application with the exception that approval would permit additional construction in the entire flood-prone area.

Gary Bennett, Secretary of the Moose Lodge, felt that the Lodge and its activities would be compatible with the area surrounding the property. He noted that 30% or less of the subject property is located in the floodplain and that he checked the property on Memorial Day and found that the property had not been flooded.

Mr. Gordon advised that he owns a manufacturing plant in the area that has flooded so he is aware of the residents concerns regarding drainage; however, he felt that the proposed use would be the best use for the property as opposed to the number of dwelling units that would be permitted on the property by right. He felt the use would be compatible with the area.

9144 (continued)

Mr. Gardner, after rechecking calculations, noted that only the extreme southeast corner of the property is located within the adopted flood moratorium and that the structure as proposed would not be located within the moratorium. He further noted that the property would not be subject to replatting which would take into consideration the drainage of the property and would also require meeting the City's recently adopted drainage criteria. With this in mind, Mr. Gardner suggested that approval of the application, should the Board support the application, be subject to approval of drainage plans by the City Engineer.

Board Action:

On MOTION of JOLLY, the Board (5-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to construct, maintain and operate a Moose Lodge, subject to an amended plot plan being provided the Board on August 19, 1976 if the proposed building location on the original plot plan is found to be within the moratorium area, and subject to drainage plans being approved by the City Engineer prior to construction, in an RD and RM-1 District on the following described tract:

Lots 1 and 2, Block 2, East Eleventh Park Addition to the City of Tulsa, Oklahoma.

9145

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a child care center in an RS-1 District located northeast of Highway 97 and West 58th Street.

Presentation:

Rosetta Morris advised the Board that there are no other day care centers in the area, that there are no schools in the area, and that she was proposing to care for a maximum of 19 children. She noted further she will not reside on the property, that there is a circle drive that can be utilized with access provided to Highway 97 and West 58th Street.

Protests: None.

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 operate a child care center subject to approval being granted for this applicant only and subject to no signs being permitted in an RS-1 District on the following described tract:

The West Half of Lot 6, Block 7, Buford Colony Addition to the County of Tulsa, Oklahoma.

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 96th Street North and Lewis Avenue.

Presentation:

Kenneth Dean requested permission to locate a mobile home on the subject property, noting that he is leasing the property from the owner who resides on property to the west of the subject tract. He noted that he plans to buy the property and construct a residence on the property hopefully within the next five years.

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 1209 - Mobile Homes) to locate a mobile home for a period of five years in an AG District on the following described tract:

E/2, NW/4, NW/4, NW/4, of Section 20, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an accessory metal building in an RMH District located at 828 North 91st East Place.

Presentation:

Gearldean Grammer advised the Board that she purchased the accessory building and all of her beauty shop equipment and then found that approval of the Board was required when she attempted to get a natural gas hookup for the structure. She noted that she resides in a mobile home on the property to the south of the subject property and that she is presently renting the lot upon which the beauty shop is located.

Mr. Gardner pointed out for the Board's information that the entire mobile home park, as well as residences to the west, is located within the recently adopted moratorium area and that no building permit could be issued for the structure.

Board Member Jolly advised at this point that he would not support any construction in the moratorium area until such time as the Board has had some time to review the moratorium lines and a determination has been made whether or not the lines were properly drawn.

Upon questioning, David Pauling, Assistant City Attorney, advised that the present moratorium does not affect the Board's powers; however, the Board could find its action meaningless if they approved the application and the applicant cannot act upon the approval granted.

9147 (continued)

Mr. Jenks noted that a home occupation is required to be located within a principal structure or a customary accessory structure and he did not feel that the existing structure is considered a customary accessory structure.

Mrs. Grammer advised that she had spoken with Commissioner Franden who felt that there may be a possibility that the use could be permitted and the permit issued because the property is only 3/4 of a block within the designated moratorium area. She further advised that she has a daughter and that she would like to work near her home in order that she might also care for her daughter. Denial of the application, she noted, would require additional expense on her part to relocate the shop.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (5-0) denied application 9147 in an RMH District on the following described tract on the basis that the building is located on a separate lot and is a principal use and because the property is located within the recently adopted moratorium and no permit could be issued to permit the use:

Lot 10, Block 5, Park Village Addition to the City of Tulsa, Okla.

9148

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts- Under the Provisions of Section 1670) for a variance of the front setback requirements from 100' to 80' in an IM District located at 13759 East Apache Street.

Presentation:

Larry Evans submitted the plot plan (Exhibit "D-1"), requesting a variance of the front setback from 100' to 76' in order that the addition to the existing structure to accommodate an office might be constructed as proposed. Mr. Evans noted that an office cannot be located inside the existing structure because the structure has been structured for crane operation. Also, the office cannot be added to the east side of the building because of a lack of space and due to aesthetic considerations. He pointed out that numerous buildings across the street are setback less than 100' from the centerline of Apache and permitting the addition as proposed would not change the existing situation in the area.

Upon questioning, David Pauling, Assistant City Attorney, advised that the application was advertised to permit an 80' setback and that the advertisement did not give the Board the authority to exceed the 80' advertised.

Mr. Evans then noted that the structure could be constructed 80' from the centerline without creating a problem.

Protests: None.

9148 (continued)

Board Action:

On MOTION of SMITH, the Board (5-0) approved a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of the front setback requirements from 100' to 80' per plot plan in an IM District on the following described tract:

The West 180' of the South 484' of Lot 1, Block 1, Sam's Addition to the City of Tulsa, Oklahoma.

9150

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts-Section 1217 - Automotive and Allied Activities) to operate a car leasing company; and an Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements where existing physical features provide visual separation of uses in a CS District located south and east of 21st Street and Memorial Drive.

Presentation:

Scott Orbison submitted a plot plan (Exhibit "E-1") requesting permission to operate a car leasing company to be located within a 35' x 80' metal structure with wood exterior on that portion of the property fronting Memorial. He also presented three photographs (Exhibit "E-2") to the Board noting the difference in grade between the northern and southern boundaries of the property--the southern boundary abutting church property. Mr. Orbison also presented an aerial photograph (Exhibit "E-3"), noting the location of the subject property, the church to the south which sits approximately 200' from Memorial, and the location of the access points to the tract from Memorial and 21st Street. Because of the elevation change, Mr. Orbison requested a waiver of the screening on the boundary between the church and the subject property.

Mr. Gardner noted that the Board should be satisfied that the 6' screening fence would serve no useful purpose because of the elevation difference in that the operation could be seen from the church property even though the screening fence was erected.

Protests: None.

Interested Parties:

Hope Gibson, representing the Fourth Church of Christ Scientist, advised that the Church is not opposed to the use, but concerned with the request for a modification of the screening requirement. Also, the Church is concerned with what development is proposed on the rear portion of the tract that can be viewed from the Church property. She noted that the westernmost portion of the Church property is elevated above the subject property and that there is a chain link fence with shrub that is sufficient to screen the development to the north. On behalf of the Church, Mrs. Gibson requested that screening be required on the easternmost portion of the southern boundary of the subject property to screen the property from the Church's view. She also expressed concern with regard to a retaining

wall being provided on the southern boundary of the subject property so as not to destroy the existing fence, shrubbery and Church drive. Mrs. Gibson questioned whether or not the business would be operated on Sundays and after 7:00 p.m. on Wednesdays.

Mrs. Helen Maynard, 1909 South 68th East Avenue, concurred with Mrs. Gibson's statements, noting that she has no opposition to the operation itself so long as screening is required as requested by Mrs. Gibson.

John Stemmons, President of Quality Car Leasing, advised the Board and interested parties that the business would be operated between 7:30 a.m. and 6:00 p.m. Monday through Saturday and that the business would be closed on Sunday. He pointed out that evening hours are not anticipated at the present time; however, it may be possible that a car might need to be checked out or checked in at some time in the later evening or on Sunday, but this would be done quickly and the office would not remain open for any length of time.

Mr. Orbison advised that the question of the retaining wall would be left up to the discretion of the architect and engineer as to whether or not it would be required. He pointed out that his clients intend to use only the portion of the property fronting Memorial; however, they would have no objection to screening being required on the easternmost portion of the southern boundary as requested. Mr. Orbison advised that his clients had also planned to utilize a berm from the southern property line to the north in order that a retaining wall "per se" would not be required.

Board Action:

On MOTION of PURSER, the Board (4-0-1, with Smith "abstaining") approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a car leasing company, subject to the business not being operated on Sundays or after 7:00 p.m. on Wednesdays; and approved an Exception (Section 250.3(a)-Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements on the southern property line where existing physical features provide visual separation of uses, thereby removing the screening requirement on the western 175' of the southern property line, in a CS District on the following described tract:

Lot 2, Block 1, Memorial Oaks Addition to the City of Tulsa, Okla.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use in an AG District located southeast of 81st Street and Okmulgee Expressway.

Presentation:

W. T. Dougherty and Larry Brinkley, representing the Oklahoma District Church of the Nazarene, requested permission to utilize the subject property for church purposes, noting that Mr. Brinkley would be pastor of the church if the approval were granted. Mr. Dougherty pointed out that there

9152 (continued)

is no plot plan to be submitted at this time, but he presented photographs for review of other churches which the District has had constructed. He described the area surrounding the subject property, noting that there is also a contract for purchase of the residence to the east, subject to the approval of the application.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use in an AG District on the following described tract:

Beginning at a point 1822.25' West of the Northeast corner of the NE/4, of Section 14, Township 18 North, Range 12 East, Tulsa County, Oklahoma; thence South 436'; thence West 269.75'; thence North 436'; thence East 269.75' to the point of beginning.

9154

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 713 North Toledo Avenue.

Presentation:

Orman Schuldt requested he be permitted to maintain his mobile home on the subject property for an additional year as has been permitted in the past by the Board.

Protests: None.

Board Action:

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

NW/4, SE/4, SE/4, of Section 33, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

9155

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1220 - Commercial Recreation: Intensive) to operate a golf driving range and baseball batting machine in an AG District located at 72nd Street North and Highway 169.

Presentation:

Paul Young advised the Board that the subject property, 20 acres in size, is located east of the Mingo Valley Expressway and north of 72nd Street North, noting that the western 150' is subject to flooding and no construction can take place on the property because of the flooding situation.

9155 (continued)

Mr. Young advised he was planning to operate a golf driving range and batting machine on the property, with a 12' x 20' accessory structure to be located on the property (not within the flood area). He further pointed out that he is planning to provide a go-cart track in the future when the flooding is controlled; however it was noted that this was not advertised and could not be considered at this time.

The Staff suggested that the applicant may wish to continue the application at this time and readvertise for the go-cart track, after which Mr. Gardner noted that a plot plan might then be required for that portion of the uses proposed. Mr. Orman advised he did have a plot plan, but that he would rather have the application before the Board at this time approved with a new application being filed when the go-cart track is to be provided.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (5-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1220 - Commercial Recreation: Intensive) to operate a golf driving range and baseball batting machine and permitting one building approximately 12' x 20' as presented, in an AG District on the following described tract:

W/2, SW/4, NW/4 of Section 32, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

9156

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 13818 East 59th Street North.

Presentation:

C. W. Larmour requested permission to locate a mobile home on the subject 7.5 acre tract, noting that he was forced to move from the Mingo Mobile Home Park when it closed due to flooding. Upon questioning he advised that he plans to build a home on the property in the future.

Protests: None.

Board Action:

On MOTION of JOLLY, 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:

Beginning 1,985' West of the SE corner of Section 4, Township 20 North, Range 14 East, Tulsa County, Oklahoma; thence North 661' to the point of beginning; thence North 985'; thence West 330'; thence South 985'; thence East 330' to the point of beginning, containing 7.46 acres.

Action Requested:

Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination - Under the Provisions of Section 1680 - Exceptions) to enlarge a nonconforming restaurant in an OM District located at 6605 South Lewis Avenue.

Presentation:

Dean Larsen, owner and operator of the Sleepy Hollow Restaurant, submitted his plot plan (Exhibit "F-1") advising that the structure was built in 1950, the property was annexed into the City of Tulsa in 1960 and he purchased the restaurant in 1967 and has continued to operate the restaurant since that time. He advised that his proposal includes enlarging the existing nonconforming restaurant structure to provide larger kitchen and restroom facilities, pointing out that the proposed enlarged dining room is not important at this time. He also advised that there is adequate parking provided for the entire facility.

David Pauling, Assistant City Attorney, advised in his comments that the Code provides that no building devoted to a nonconforming use shall be enlarged or extended, except in changing the use of the building to a use permitted in the district in which it is located. Also, the Code provides that a nonconforming use of a building or building and land in combination when located within a Residential District shall not be changed unless to a use permitted in the district in which located. However, a nonconforming use of a building or building and land in combination, when located within a district other than a Residential District, may, as a special exception, be changed upon approval of the Board after a finding that the proposed use will not result in any increase of incompatibility with the present and future use of surrounding properties.

Board Member Jolly did not feel that the use would result in any increase of incompatibility and noted, in reviewing the plot plan, that the depth of the structure will not be greater as the applicant is adding to the width.

With regard to rezoning the property, Mr. Gardner pointed out that the District 18 Plan shows this property as medium-intensity office and therefore commercial zoning would not be approved unless the Comprehensive Plan for this particular area was amended. Previous rezoning applications requesting commercial zoning on the subject property have been denied by the Planning and City Commissions. Although enlargement of a nonconforming use is not encouraged by the Code, it is not the intent of the Ordinance that a nonconforming use should be stopped or removed from the property, noting that the existing use is substantial and will not disappear.

Protests:

Bill Doyle, attorney representing the apartment development to the south and east, advised the Board that application #6965 was approved in April, 1971 to permit the enclosing of a 10' x 29' patio in order that additional seating might be obtained, and application #8146 was approved in January, 1974 to permit a new sign on the property. He questioned when the expansion of the use would stop. At the time the application was reviewed in 1971, the applicant advised the Board that a rezoning

application for CS was pending; however, OM zoning was granted rather than CS. Mr. Doyle felt that the use should be continued under a CS zoning classification rather than under a nonconforming status. Mr. Doyle expressed concern with the incompatibility of the use with the apartment development as it appears that the restaurant structure will extend to the property line without a setback being provided.

Mr. Larsen advised that the structure will not extend to the property line, but will be located approximately 6' from the property line. There is adequate parking facilities for the structure and the proposed expansion and he pointed out that it would cost some \$500,000 to relocate the use.

Mr. Gardner pointed out for information purposes, that when the rezoning was denied, the City Commission was advised that if the rezoning were denied that the applicant would have the opportunity to seek relief from the Board as a special exception under the OM zoning as it was an established nonconforming use.

Board Action:

On MOTION of SMITH, the Board (5-0) approved an Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination- Under the Provisions of Section 1680 - Exceptions) to enlarge a nonconforming restaurant, finding the scope of relief desired by the applicant with regard to the setback is not included in the application and authorizing the applicant to readvertise, under this application number, notice to accomplish his goals as presented to the Board which exceeded the application presented, in an OM District on the following described tract:

The North 135' of the West 350' of Tract "A", Muzingo Hills
Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places, Other Than Drive-Ins) to operate a restaurant in an IL District located at 4335 Southwest Boulevard.

Presentation:

Bud Palmer advised the Board that the subject property had been leased to Burger Chef for 11 years and that Burger Chef was not requesting permission to expand and remodel the existing structure. He submitted his plot plan (Exhibit "G-1"), advising that the structure would be set back 25' from the street and that the width of the structure would not be expanded, only the length.

Mr. Gardner advised the Board that the restaurant is nonconforming and the exception is required in order that the use can be expanded.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (5-0) approved an Exception (Section 910- Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places, Other Than Drive-Ins) to operate a restaurant with expansion per plot plan in an IL District on the following described tract:

Lots 1 and 2, Block 8, Park Addition to the City of Tulsa, Okla.

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 2611 East 49th Street North.

Presentation:

Garnet Stephens requested permission to locate a mobile home on the subject property, advising that the mobile home is in place on the property to the rear of the existing residence which is not large enough to accommodate her large family. She noted that the family cannot financially afford to move to a larger residence.

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 RS-3 District on the following described tract:

The West 82.5 feet of the W/2, NW/4, SW/4, NE/4, SW/4, LESS road in Section 8, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670) for a variance of the setback requirements to permit building on the property line; and an 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 an IM District located at 2700 East Newton Street.

Presentation:

Tom Archibald, representing Construction Services, Inc., submitted a plot plan (Exhibit "H-1") requesting a variance to permit the proposed enclosure and expansion on an existing concrete slab which is located on the northern property line. He also submitted two photographs (Exhibit "H-2") of the operation, advising that the expansion would not be detrimental to the area, but would improve the existing conditions.

Mr. Gardner pointed out that the Board needs to find that land use relationships are as compatible as can be in approving such an application, and noted that the solid wall of the structures are proposed to be utilized for the required screening in lieu of a screening fence.

Mr. Archibald advised that the walls of the structures are solid and are to be located on the western and northern property lines and would serve as screening. The existing concrete slab is being utilized at present for the testing of equipment and the storing of materials--the testing to be moved inside when the structure is completed.

Protests:

C. L. Stephens, 602 South Louisville, advised the Board of the pollution and nuisance created by the painting involved in the operation that he had experienced when living in the neighborhood, noting also that Newton is not sufficient to carry the truck traffic involved with the operation.

Jill Hoffman, 1303 North Delaware Place, advised the Board that she resides 25' from the subject property, that she does not want to see truck traffic from the operation on Newton, and that she would like a statement of liability from Construction Services, Inc., to the effect that the Company would be liable for any damage to the property of the area residents. She requested that no painting or burning take place on the northern portion of the property; that no sandblasting be permitted; that no rubble be permitted; that no smokestacks be permitted on top of buildings on the northern expansion; that no truck traffic be permitted on the residential streets; that no doors be permitted on the northern end of the subject expansion even if the operation is sold in the future; that the operation be well maintained and cared for; and that no water drainage from the subject property to surrounding properties be permitted.

Wendy Carlton, 1319 North Delaware, advised the Board that she has lived in the area for a number of years, that the existence of the operation and the painting taking place has ruined the exteriors of many homes in the area, and that she is opposed to any truck traffic being permitted on the residential streets. She noted she wanted to be assured, in writing, that the trucks would not use the residential streets for access purposes.

Mrs. Mozelle Cox, 2721 East Marshall, in her comments to the Board, felt that the application should be denied as improper notice was given with regard to the location of the property and the mailing of notices to the surrounding property owners. Mrs. Cox felt that the application was improper and incompatible with the surrounding area, noting that she does not wish to have the sun blocked from her back yard where she maintains a garden.

Regarding the question raised concerning improper notice, David Pauling, Assistant City Attorney, advised that the providing of proper notice is the burden of the applicant and that anyone owning property within 300' of the property under application who was not notified should so advise the Board. Should improper notice be determined, the applicant is then required to provide proper notice to all property owners within the required 300' radius of the property under application.

Mrs. Jean Haynes, who resides on North Columbia Place, advised the Board that her property would abut the wall of the structure under application. She noted she does not want the fence to be removed and she does not want access permitted from the property to Newton. She expressed concern with the proposed height of the addition to the existing structure and the fact that the structure would block any breeze on her property. She noted that she does not object to the structure itself, but only that she is concerned with the truck traffic and the nuisance that might be created by the operation.

9162 (continued)

Carol Bachmann, 2734 East Newton Place, expressed concern with whether or not proper notice had been given as she was the only person on her block that received notice of the hearing. She also expressed concern with the truck traffic as children utilize Newton for access to and from school.

Ann Newcomb, 1217 North Columbia Place, advised that the trucks presently travel from Dawson to Columbia Place and north to Delaware Avenue and Pine Street. She noted she did not want sunlight decreased by the building because of the garden which she maintains in her back yard to supplement her income.

Clarence Taylor, 1203 North Columbia Place, questioned the approximate height of the proposed addition and advised of the problems he has experienced because of the operation, pointing out he did not wish to see the existing problems increased.

Mr. Archibald again advised that the structure, 16' in height, would be constructed on the existing concrete slab. He further pointed out that he could advise how he determined those to be notified within 300' of the subject property.

The Staff, in reviewing the list of persons within 300' which was submitted by the applicant, determined that improper notice had been given, after which Mr. Pauling advised that the Board does not have jurisdiction to hear the application any further or make a determination this date, other than continuing the application.

Board Member Jolly advised those protestants present that their comments would be amde a part of the record and that they need not appear when the application is again reviewed, unless they prefer to be present at that time also.

Board Action:

On MOTION of SMITH, the Board (5-0) continued application 9162 to September 2, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that the applicant might provide the Staff with a proper list of property owners within 300' of the subject property.

9163

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 216 South Toledo Avenue.

Presentation:

D. J. Garcia requested permission for his wife to operate a home beauty shop on the subject property to supplement his income, noting that he would rather have her working in the home because of their two small children which she must also care for. He did not feel the use would be detrimental to the neighborhood, noting that he plans to remodel the exterior of the residence and pave the driveway. The residence to be remodeled is presently being rented, but is located on the same property with his residence and will be utilized for the shop.

9163 (continued)

David Pauling, Assistant City Attorney, advised the Board and the applicant that the Ordinance specifically states that the applicant must reside in the home in which the approval is being sought.

Mr. Garcia noted that he would move into the residence to be remodeled if the Board approved the application, or he could place the shop in his present residence which is also on the property.

Paul Jenkins, Building Inspector, advised that the residence next door to the residence in which the applicant resides does not meet the Ordinance for permitting the use as requested. At this point the Staff suggested continuing the application in order that the applicant might readvertise, after which Mr. Garcia noted that his family would actually be residing in both homes at the same time which, he felt, would meet the intent of the Ordinance.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (5-0) denied application 9163 in an RS-3 District on the following described tract:

Lot 208, Block 2, Rogers Heights Addition to the City of Tulsa, Oklahoma.

9164

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1212 - Eating Places Other than Drive-Ins) to operate a restaurant in an IL District located at the northwest corner of 56th Street and Garnett Road.

Presentation:

Gary Krisman submitted the plot plan (Exhibit "I-1") requesting permission to operate a doughnut and luncheon shop on the subject property in an IL District between the hours of approximately 7 a.m. to midafternoon in order that industrial workers in the area might have access to a luncheon facility. He presented the plan to the Board, noting that an advertising sign will be erected, but that it would meet the requirements of the Code.

In discussion with regard to the sign, Board Member Smith advised he would not support a neon flashing sign, after which Mr. Krisman advised he would have no objection to the sign being limited to a constant lighted sign. He pointed out that Carter Corporation has control over the development of the property, including the sign, and they would prefer also to limit the sign to a constant lighted structure.

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) to operate a restaurant, per plot plan, subject to the sign to be erected being a constant lighted sign (no neon flashing sign) in an IL District on the following described tract:

8.5.76:217(21)

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 care center; 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 RS-3 District located at 2847 North Iroquois Avenue.

Presentation:

Doris Crawford requested permission to construct and operate a day care center on the subject property, noting that the property is comprised of two lots located across the street from her residence. The center, she noted, would accommodate approximately 30 to 45 children, would be compatible with the structures in the area and would resemble a single-family residence.

Mr. Gardner noted that the applicant should be made aware that all requirements of the Code regarding setbacks, etc., would be required to be met should the application be approved.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (5-0) 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 care center as presented; 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 RS-3 District on the following described tract:

Lots 1 and 2, Block 15, Standard Heights Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 220 - Height Exceptions - Under the Provisions of Section 1680) to erect an antenna 85' high that will be located in the side yard in an RS-1 District located at 7037 South Birmingham Court.

Presentation:

R. E. Wade advised the Board that his property is located at the northeast corner of the intersection of Birmingham Court and 71st Street and that he is proposing to erect an amateur radio antenna in the side yard nearest 71st Street which would be shielded from the balance of the neighborhood by the trees and the height of the residential structure. He submitted 13 photographs (Exhibit "K-1") for the Board's review, pointing out the fact that the proposed location of the tower would not be detrimental to the neighborhood because of its location to the side and rear of the subject property. He noted that locating the antenna structure in the rear yard rather than the side yard would permit the structure to be seen by the residents to the north; however, as proposed the antenna would be shielded from their view. Mr. Wade submitted his

plot plan (Exhibit "K-2"), advising that locating the antenna in the rear yard would make the antenna appear 15' higher because of the slope of the property. The antenna structure is proposed at 68' with 15' of antenna above the tower structure. Mr. Wade noted that the structure, if it did not exceed 72', would be permitted by right in the rear yard, but that he wished to be a good neighbor and relocate the tower to obstruct its view from the neighbors.

Upon questioning by the Board, David Pauling, Assistant City Attorney, cited those portions of Section 220 which pertain to this application explaining the effect of the Ordinance on the applicant's request, since this was the first antenna application that the Board had reviewed since the amendment of the Zoning Code. Upon questioning, Paul Jenkins, Building Inspector, noted that the location of the guy wires should also be considered as it appears that there are wires in the side and possibly the front yards, after which Mr. Pauling cited Section 220.1 (3) which points out that the Board may modify the restrictions established.

Protests:

Frank Hagedorn, attorney representing Zelfa Pertle of 7029 South Birmingham Avenue, presented his written statement (Exhibit "K-3") to the Board and expressed concern with the erection of the tower on behalf of his client. He noted that Mrs. Pertle is concerned with the access to the tower that children in the area might have, as she has four children. Mr. Hagedorn pointed out that the structure as proposed is not permitted within the restrictive covenants, which the Board is not bound by, as all utilities are to be located underground with the exception of the light poles and telephone lines on the outer limits of the addition. Mr. Hagedorn requested the subject application be denied as the applicant has provided no particular hardship for the Board's consideration.

John Jarboe, attorney representing Ray Miltz of 7023 South Birmingham Court, advised that he and his client share the feelings of the previous protestant. He requested the Board consider the restrictive covenants of the addition even though the Board is not bound by these covenants. He requested denial of the application which well exceeds that which is permitted by the Code by right.

Charles O'Rear, 7022 South Birmingham Court, advised the Board that he purchased his property in this addition because the utilities were to be located underground and he felt that the antenna structure would be unsightly in the neighborhood. He noted that he had always placed his television antennas in his attic so as not to detract from the neighborhood, pointing out he would never ask approval of his neighbors for such a structure.

Greg Gregoli, 7028 South Birmingham Court, advised the Board he purchased his property in this particular addition because no utilities were permitted above ground. He did not feel that the structure would add to the neighborhood, but would detract from the beauty of the area, pointing out he concurred with previous statements presented opposing the application.

Mr. Wade questioned the Board and was advised that the Board is, in fact, not bound by restrictive covenants, after which he noted that the antenna for amateur radio use is not a utility. He further pointed out that his property is surrounded by telephone poles and he did not feel that the proposed location of the structure would detract from the residential area.

Board Action:

BLESSING moved to deny the application. This motion dying for the lack of a second, Board Member Jolly noted it was his personal feeling that constructing a 60' tower in the rear yard as opposed to the proposed tower and location would be more of a detriment to the immediate neighborhood.

On MOTION of JOLLY, the Board (4-1, with Blessing voting "nay") approved an Exception (Section 220 - Height Exceptions - Under the Provisions of Section 1680) to erect an antenna no more than 85' in height to be located in the side yard, per plot plan, in an RS-1 District on the following described tract:

Lot 1, Block 1, South Oaks Addition to the City of Tulsa, Oklahoma.

(PURSER out)

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 on two lots, each with 12.5' of frontage and one with 50' of frontage to permit a lot-split (L-13385) in an RS-2 District located at 2500 East 24th Street.

Presentation:

Robert Rizely, the applicant, was not present.

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

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements on two lots, each with 12.5' of frontage, and one with 50' of frontage to permit a lot-split (L-13385) in an RS-2 District on the following described tract:

The East 100' of the West 210' of the South 162.50' AND the West 210' of the North 5' of the South 167.50' AND the North 315' of the South 482.50' of Lot 6, J. P. Harters Subdivision to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; AND the East 3' of the North 325' of the South 492.50' of Lot 5 of J. P. Harters Subdivision.

9171

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 165' on three lots to permit a lot-split (L-13777) in an AG District located south and west of 116th Street North and 123rd East Avenue.

Presentation:

Dewey Comb, the applicant, was not present.

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

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) approved a Minor Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) for a variance of the frontage requirements from 300' to 165' on three lots to permit a lot-split (L-13777) in an AG District on the following described tract:

The S/2 of the N/2 of the NW/4 of the SW/4 of the NE/4 and the S/2 of the NW/4 of the SW/4 of the NE/4, ALL in Section 8, Township 21 North, Range 14 East, Tulsa County, Oklahoma, LESS 30' of the East side hereof for road right-of-way.

9175

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 25' to 20' 2" in an RS-2 District located at 8215 South Quebec.

Presentation:

Charles McKee, the applicant, was present and presented his plot plan (Exhibit "L-1") to the Board.

Protests: None.

Board Action:

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

Lot 5, Block 8, Brookwood Addition to the City of Tulsa, Oklahoma.

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 60' to 40' and a variance to allow a lot with 5,600 square feet to permit a lot-split (L-13776) in an RS-3 District located in the 3500 Block of East King Place.

Presentation:

Bryan McCracken, the applicant, was not present.

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

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) approved a Minor Variance (Section 430-- Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 60' to 40' and a variance to allow a lot with 5,600 square feet to permit a lot-split (L-13776) in an RS-3 District on the following described tract:

The North 140' of the South 165' of the West 40' of the East 140' of Lot 8, Ozark Garden Farms Addition to the City of Tulsa, Tulsa County, according to the recorded plat thereof.

(Purser in)

Communication

8727

This is a Communication (Exhibit "M-1") from Mrs. Lora Walters, in answer to the Board's communication of July 15, 1976, advising that she no longer operates a rooming and boarding home at 7155 East Jasper, noting that the residence has been rented to a family. She pointed out that the property is for sale and that her health does not permit her to continue the operation.

David Pauling, Assistant City Attorney, advised that the conditions of the Board and the Zoning Code were not followed by the applicant and the Board may at this time rescind their previous approval that the care home might be operated from the subject property.

On MOTION of JOLLY, the Board (5-0) rescinded its original approval of a care home on property located on the following described tract:

Lot 1, Block 15, Val Charles Addition to the City of Tulsa, Okla.

Communication

9088

The Staff advised that the applicant had requested that the tie contract be approved by the Board, as the contract was a requirement of the Board when the original approval was granted.

In discussion it was determined that the applicant had only to enter into the agreement with the City and that the Board's approval of the contract was not necessary as it was, in fact, a requirement of the Board's approval.

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 3657 South Quannah Avenue.

Presentation:

Helen McLaughlin requested permission to maintain her mobile home on the subject property as has been approved in the past as she is only able to financially maintain a mobile home as a residence.

Protests: None.

Board Action:

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

Lot 19, Block 7, Hardesty Addition to the City of Tulsa, Okla.

There being no further business, the Chair declared the meeting adjourned at 6:10 p.m.

Date Approved September 2, 1976



Acting Chairman