

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 218  
Thursday, August 19, 1976, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT

Blessing  
Guerrero, Chairman  
Jolly  
Purser, Mrs.  
Smith (in 1:35 p.m.)

STAFF PRESENT

Edwards  
Etter, Mrs.  
Gardner  
Jones

OTHERS PRESENT

Jenkins, Building  
Insp. Office  
Pauling, Legal  
Department

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

UNFINISHED BUSINESS:

8461

Action Requested:

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

8770

Action Requested:

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

8799

Action Requested:

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

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.

Unfinished Business: (continued)

Presentation:

Lee Roy Dunn, L. A. Helms, James Davidson and Stephen Booth, the applicants, were not present.

David Pauling, Assistant City Attorney, advised the Board that he had spoken with all of the applicants except Mr. Booth concerning the subject applications, noting that a decision of the Supreme Court is still pending and he suggested the applications be continued to November 18, 1976.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) continued applications 8461, 8770, 8799 and 9068 to November 18, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, pending a decision of the Supreme Court concerning principal use variances.

9061

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 50' to 32' from the centerline of 55th Street and from 50' to 41' from the centerline of 40th West Avenue in an RS-3 District located at 4002 West 55th St.

Presentation:

Pastor Bobby Green, representing Camp Chapel AME Church, submitted his revised plot plan (Exhibit "A-1") to the Board, reflecting proper access and circulation with regard to the parking. He also advised that a request had been filed with the City Engineer regarding vacation of the alley in order that the alley might be utilized as a portion of the parking and circulation for the Church. Pastor Green advised, upon questioning, that the maximum attendance at present is approximately 50, including children, and that the Church is planning at this time for potential growth.

The Staff pointed out that the Board had reviewed the applicant's request and plot plan previously and requested that a revised plan be submitted at this time, noting that the plan now meets the concerns of 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 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 50' to 32' from the centerline of 55th Street and from 50' to 41' from the centerline of 40th West Ave.,

8.19.76:218(2)

9061 (continued)

in order to align with present building location per revised plot plan, in an RS-3 District on the following described tract:

Lots 1, 2, 32, 33 and 34, Block 26, South Haven Addition to the City of Tulsa, Oklahoma.

9120

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) to terminate an auto salvage operation at 123 North Peoria Avenue and an auto salvage operation at the southwest corner of Peoria Avenue and Easton Street; 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 Avenue and the southwest corner of Peoria Avenue and Easton Street.

Presentation:

Bob Butler, representing Earl Reynolds, was present and the Staff pointed out that the portion of the application located at 123 North Peoria had been continued to November 4 and the balance to this date.

David Pauling, Assistant City Attorney, advised the Board that the subject request on the property located at North Peoria Avenue and Easton Street is also a request for a principal use variance and the Board does not have jurisdiction to act at this time, pointing out the case pending in Supreme Court regarding principal use variances. Mr. Pauling felt that the entire application should be continued to November 18, 1976 as have other such applications to await a decision concerning principal use variances.

At this point, Board Member Jolly raised an objection to the suggestion, noting it was his understanding at the August 5 meeting of the Board that the portion of the application located at Peoria Avenue and Easton would be heard this date without needing to be continued further pending the decision of the Court. Mr. Pauling then reiterated his position in the matter.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-2, with Jolly and Smith voting "nay") continued application 9120 as it relates to property located at 123 North Peoria Avenue and property located at the southwest corner of Peoria Avenue and Easton Street to November 18, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

## NEW APPLICATIONS:

9149

### Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the density requirements from 120 to 150 units in an RM-1 District located southwest of 73rd and Memorial.

### Presentation:

Fred Chadsey advised the Board that the subject property was recently rezoned RM-1 by the City Commission, advising that RM-2 was requested in order that a housing project with supportive amenities for the elderly might be constructed on the property per HUD requirements. In order that the requirements might be met, Mr. Chadsey advised that it is necessary that the density permitted be varied from 120 to 150 units. He described the area surrounding the subject property, noting that the church facilities and shopping facilities in the immediate area were taken into consideration by HUD when the property was approved for the development. He pointed out that the surrounding multifamily and nonresidential zoning isolates the subject property for any use other than multifamily, noting that at the time the RM-1 zoning was granted the Mayor had commented that relief with regard to the density could be sought via the Board of Adjustment rather than RM-2 zoning being granted on the property. In describing the development, Mr. Chadsey advised that the complex would be designed for senior citizens, not utilized as a nursing home, and that it would be a two-story structure with elevators for the occupants. In his final statements, Mr. Chadsey advised that if the density is not increased, the project will be awarded to Oklahoma City rather than Tulsa as this is the site chosen by HUD for the project. Upon questioning by the Board, it was noted that 186 dwelling units would have been permitted under RM-2 zoning.

### Protests:

Bill McLaughlin, member of the District 18 Steering Committee and President of the South Tulsa Homeowners' Coalition, advised the Board that the Planning Commission had recommended RM-1 zoning on the property, the City Commission had approved RM-1 zoning on the property, and the applicant is now requesting an RM-2 density on the property, noting that the request has the potential of adding 30 units which is equivalent to an additional 1 1/2 acres of land under the RM-1 zoning density. He pointed out that the original property owner sold 15 acres of the overall tract to the City for park purposes and now there is a hardship because there is a balance of five acres for development. Mr. McLaughlin advised that the Coalition has questioned the Board's authority to act on the request as the applicant is required to provide undue hardship, feeling that the hardship was created by the property owner himself when a portion of the tract was sold to the City. Also, the Code states that the approval should not cause substantial detriment to the public good or impair the purpose, intent or spirit of the Comprehensive Plan. With regard to the District 18 Plan, Mr. McLaughlin advised that approval of the request would be in direct conflict with the adopted District 18 Plan.

Carol Winter, 7454 East 68th Place, representing the Southeast Tulsa Homeowners' Association, advised the Board that she supported Mr. McLaughlin's statements.

8.19.76:218(4)

9170

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 22nd Street.

Presentation:

Mrs. Charles Hinesley requested permission to maintain a mobile home behind her residence in order that she might care for her elderly mother and stepfather should they require emergency care. She advised that the mobile home is in place and that she was not aware that approval was required until she attempted to obtain electrical service. Upon questioning, Mrs. Hinesley advised that there are other mobile homes in the area, that the property owners to the east have no objection, and that no other area residents have expressed objection.

Protests: None present.

The Staff advised that the District 9 Planning Team had recommended denial as there are too many mobile homes in the single-family area.

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:

Lot 9, Block 1, West Tulsa View Acres Addition to the City of Tulsa, Oklahoma.

9173

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from an R District to permit the extension of a building now existing on the property line; 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 the uses in a CS District located at 2524 South Harvard Avenue.

Presentation:

Dan Doris, attorney representing the applicant, submitted the plot plan (Exhibit "B-1") to the Board advising that a request was being made for a variance to permit expansion of the existing structure due to the irregular shape of the property which will not permit the addition if the required setback is met. He noted that the expansion is proposed to the western portion of the structure only. Mr. Doris pointed out that the operation has been in existence for sometime and he did not feel that the expansion would have a detrimental affect on the area. Further, Mr. Doris advised that a modification of the screening requirement is being requested between the CS and RS-3 boundaries because of the existing retaining wall which will serve the same purpose.

8.19.76:218(6)

9173 (continued)

Upon questioning by the Board with regard to signs, Mr. Garnder advised that the square footage of permitted sign area is dependent upon the property frontage.

Upon questioning by Board Member Smith, Mr. Cottingim advised that there are three 4' x 8' signs on the property which he erected himself not realizing that permits were necessary. Mr. Gardner calculated the permitted sign area as being 180+ square feet.

David Pauling, Assistant City Attorney, advised that there is a Donrey advertising sign also on the property which would also be calculated as a part of the permitted sign area. He suggested that the Building Inspector's Office tag the signs for not having permits, which would then result in an investigation as to whether or not the sign area meets the Code requirements.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (5-0) approved a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from an R District to permit the extension of a building now existing on the property line, per plot plan; 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 the uses, in a CS District on the following described tract:

Part of the Southeast Quarter of the Northeast Quarter (SE/4, NE/4), of Section 17, Township 19 North, Range 13 East, more particularly described as follows:

Beginning at a point 50' West and 339.24' North of the Southeast corner of the NE/4 of said Section 17; thence in a Southwestern direction a distance of 249.76' to a point on the Northeast line of the M.K. & T. Railway right-of-way which point is 260' West and 205.29' North of the Southeast corner of the NE/4 of said Section 17; thence in a Southeastern direction along the Northeast line of said M.K. & T Railway right-of-way a distance of 232.74' to a point, which point is 50' West and 106.5' North of the Southeast corner of the NE/4 of said Section 17; thence North and parallel with the East line of said Section 17, a distance of 232.74' to the point of beginning.

9174

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use in an RS-1 and AG District located at the northwest corner of 41st Street and 101st East Avenue.

Presentation:

Ira Williams, Deacon for Southwood Baptist Church, submitted the proposed preliminary plat (Exhibit "C-1") of the subject property, advising that a contemporary designed community church with off-street parking for 100 automobiles is planned at present. He pointed out that there are minor drainage problems on the north end of the subject property next to Mingo Creek.

Monte Dunham, owner of the property, advised the Board that the property is not located within the recently adopted moratorium.

In reviewing the application, Mr. Gardner suggested that approval of the application, should the Board support the request, be contingent upon plat approval which would cover any drainage questions.

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 use property for church use, subject to the property being platted, in an RS-1 and AG District on the following described tract:

A tract of land that is part of the E/2, SW/4 of Section 19, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point in the West boundary of said E/2, SW/4, a distance of 80.00' from the Southwest corner thereof; thence due North along the West boundary of said E/2, SW/4, a distance of 1048.19'; thence South 62°-18'-41" East a distance of 246.99'; thence South 27°-31'-28" East a distance of 400.00' to a point in the West right-of-way line of South 102nd East Avenue; thence Southwesterly along the West right-of-way line of said South 102nd East Avenue on a curve to the left having a radius of 490.00' for a distance of 534.30'; thence due South along the West right-of-way line of said South 102nd East Avenue a distance of 143.96' to a point in the Northerly right-of-way line of the Mingo Valley Expressway; thence South 89°-54'-58" West along said Expressway right-of-way line a distance of 140.00' to the point of beginning, containing 5.435 Acres.

Action Requested:

Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements where the existing physical features provide visual separation of uses; and a Variance (Section 1211.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) for a variance of the parking spaces from three to two in an OL District located at 2519 West 42nd Street.

Presentation:

Gladys Halbrook submitted a plot plan (Exhibit "D-1"), advising the Board that the structure existing on the property is utilized as an insurance office, and the only residence on the block is her own residence and she did not feel that she should be required to screen her business from her own residential property as no harm would come to anyone but herself. Mrs. Halbrook further advised that she has adequate parking for two automobiles, but not three as required. She pointed out that she had attended the District 9 meeting when the subject application was discussed and there was no objection to her requests. She advised that she had resided in the area since 1941.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (5-0) approved an Exception (Section 250.3 (a) - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements where the existing physical features provide visual separation of uses; and a Variance (Section 1211.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670) for a variance of the parking spaces from three to two, approval granted to this applicant only and not to run with the land, in an OL District on the following described tract:

The East 37' 5" of the West 125' of the East 250' of Reserve "C", Block 4, Galbreath-Colcord-Russell Addition to the City of Tulsa, Oklahoma.

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to permit electrical repair work done on an electrical service pole for a mobile home pad; and an Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination) to perform repairs and maintenance to other structures on the property which consist of four mobile home pads, one business building and two houses in an AG District located at 12000 North Garnett Road.

Presentation:

Kenneth Ellison, attorney representing the applicant, presented a sketch (Exhibit "E-1") to the Board, advising that the structures involved in the application were in place prior to the annexation of the property into the City in 1974. The structures involved include two residences, four mobile homes and one restaurant with gasoline pumps. He reviewed an aerial photograph of the area, pointing out that a majority of the structures can be seen on the photograph. The application arose, he advised, when one of the mobile homes required electrical repair and the electricity was turned off for repair and then a request was filed for the electricity service to once again begin. Mr. Ellison presented several photographs (Exhibit "E-2"), pointing out the two mobile home pads in place in 1970 and the pad in place in 1973, the residence which was moved onto the property in 1970, the residence which was moved onto the property in 1975, the restaurant and residence as initially constructed in 1965, the restaurant as it presently exists, and the fourth mobile home which was placed on the property in 1975.



9178 (continued)

Mrs. R. E. Deatherow of Collinsville advised the Board that she and her family have resided in the area since August, 1973. She advised that the original residence on the property is unsightly and unhealthy, pointing out the many problems connected with the existence of the structures on the tract. Mrs. Deatherow also advised that the structures which are moved onto the property are not properly maintained and that they must be viewed by the residents to the north and east because they must utilize the road which runs to the north of the structures. Upon questioning by the Board, Mrs. Deatherow advised that the restaurant, one mobile home to the rear of the restaurant and the residence to the north were located on the property in August, 1973 when she moved to the area.

Mr. Ellison, in his final comments to the Board, advised that any complaint regarding health problems should be brought to the attention of the Health Department, noting that the problems would be corrected. With regard to proof of the nonconformity, Mr. Ellison advised that he had provided the Board with photocopies of electrical service hookups for the mobile home pads even though the mobile homes were not actually in place.

Upon questioning by Mr. Campbell as to what establishes a "pad", Mr. Gardner advised that the definition of "pad" that is commonly accepted is an established concrete base, with off-street parking and with all utility hookups, noting that there were no pads of this definition depicted on the aerial photograph reviewed by the Staff.

Board Action:

On MOTION of PURSER, the Board (5-0) upheld the decision of the Building Inspector and denied application 9178 with the exception of approving the Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination) for permission to perform repairs and maintenance to structures on the property consisting of the restaurant, the original single-family residential structure to the north and one mobile home located at the rear of the restaurant, in an AG District, on the following described tract:

The North 990' of the NW/4 of the SW/4 of Section 5, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

9180

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from an R District from 75' to 40'; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening requirement cannot be achieved in an IL District located at the northeast corner of Pine Street and North 107th East Avenue.

8.19.76:218(11)

Presentation:

Ron Henderson submitted the plot plan (Exhibit "F-1"), advising that the request for a variance of the setback requirements and removal of the screening requirement was being made due to the fact that the property abuts the Mingo Valley Expressway which is zoned RS-3 and which requires a screening fence between the subject property and the R District and a 75' setback from the R District for any structure. Mr. Henderson further noted that the proposed structure is too large for the odd-shaped tract to meet the required 75' setback.

Mr. Gardner advised the Board that the applicant had requested an amendment to the FIA maps in order that properties in this area might be removed from the Flood Hazard area as they are not actually located within the FH as shown on the maps. Mr. Gardner suggested that approval, should the Board support the application, be subject to the City Engineer's approval of the 100-year elevation.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0-1, with Smith "abstaining") approved a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from an R District from 75' to 40'; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening requirement cannot be achieved, per plot plan and subject to the City Engineer's approval of the 100-year flood elevation, in an IL District on the following described tract:

All of Lot 1, and a part of Lot 2 described as follows: Beginning at the Southwest corner of said Lot 2; thence Northeasterly along the property line of Lot 2, being the Easterly right-of-way line of North 107th East Avenue, a distance of approximately 165'; thence Southeasterly a distance of approximately 435' to the property line separating Lot 2 and the Westerly right-of-way line of the Mingo Valley Expressway; thence Southwesterly a distance of approximately 25' to the Southeast corner of said Lot 2; thence West a distance of 452.50' to the point of beginning, all being in Block 3, Wolf Point Industrial Parkway West, an addition to the City of Tulsa, according to the recorded plat thereof.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church use in an RS-3 District located south and west of 101st Street and Sheridan Road.

Presentation:

Pastor Wallace Hough, speaking for the Tulsa Baptist Association, requested permission to utilize the subject property for church purposes, advising that there are no definite development plans at this time.

9182 (continued)

In reviewing the application, Mr. Gardner felt that the Board, should it support the application, should determine whether or not there is sufficient RS-3 zoning between the subject property and the RM-1 to the north to permit the RS-3 to be developed in a conventional manner without setting a precedent for rezoning to a more intense classification.

In regard to there being no definite development plans at this time, Paul Jenkins, Building Inspector, advised that an exception, when granted, is given two years in which development must begin.

Upon questioning, Pastor Hough advised that the Association would have no objection to providing plans for the Board's review prior to building permits being issued.

Protests: None.

Board Action:

SMITH moved to approve the Exception, subject to the site plan being reviewed by the Board prior to the issuance of building permits, and the motion was amended.

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 use property for church use, subject to the site plan being reviewed by the Board prior to the issuance of building permits, and with the finding that approval of the subject application will not set a precedent and would not preclude the RS-3 property to the immediate north from being developed conventional single-family with two rows of lots and a residential street, in an RS-3 District on the following described tract:

The S/2, SE/4, NE/4, NE/4 of Section 27, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

9183

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to construct a nursing home facility in an RS-3 District located north and west of 81st Street and Sheridan Road.

Presentation:

William B. Jones, the applicant, was not present.

The Staff advised that the application required a continuance in order that it might be readvertised showing a proper legal description.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (5-0) continued application 8193 to September 2, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts- Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for educational purposes; and a Variance (Section 1205.4 - Off-Street Parking Requirements - Under the Provisions of Section 1670) for a variance from the required parking spaces on the same lot as the use in an RM-2 District located at 8th Street and Evanston Avenue.

Presentation:

Frank Hettinger, representing the University of Tulsa, requested permission to utilize the properties under application for educational purposes in conjunction with the University. The residential structures on Lots 2, 3 and 5 will be converted into administrative structures, while Lot 9 will be developed as an administrative structure in conjunction with the two lots to the south.

With regard to the variance, Mr. Hettinger advised that the University meets its required parking for offices, classrooms and dormitories, with the exception of the stadium, and is always in the process of accumulating additional off-street parking; however, there is a requirement for the uses requested this date that the parking be located on the same lot as the use and the properties are not sufficient in size to be developed as proposed with the required parking on the same lot.

Protests: None.

Interested Party:

Virginia Parks, 724 South College, questioned whether or not 8th Street would be widened, noting that it had been rumored that easements would be taken from the residents along 8th Street, after which David Pauling, Assistant City Attorney, advised that the Board's approval of the application would have no bearing on any widening of streets that might take place in the future.

Board Action:

On MOTION of JOLLY, the Board (4-0-1, with Guerrero "abstaining") approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for educational purposes; and a Variance (Section 1205.4 - Off-Street Parking Requirements - Under the Provisions of Section 1670) for a variance from the required parking spaces on the same lot as the use, in an RM-2 District, on the following described tract:

Lot 9, Block 19, and Lots 2, 3 and 5, Block 25, College 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 for two lots from 60' to 12.5' to permit a lot-split (L-13786) in an RS-3 District located at 4200 South Riverside Dr.

Presentation:

Vernon Mudd, 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 (4-0-1, with Smith "abstaining") 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 for two lots from 60' to 12.5' to permit a lot-split (L-13786) in an RS-3 District on the following described tract:

A tract of land located in the NE/4 of Section 25, Township 19 North, Range 12 East, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Beginning at the SW corner of Lot 15, Block 3, of Pecan Terrace Addition, said corner of Lot 15 being on the Easterly right-of-way line of South Riverside Drive; thence East along the South line of said Block 3 a distance of 231.63 feet to the NW corner of Lot 14, Block 3, of Pecan Terrace Addition; thence South a distance of 164 feet to a point on the North line of Riverside Heights Addition; thence West along the North line of said Riverside Heights Addition a distance of 247.80 feet to the NW corner of Lot 12 of said Riverside Heights Addition, said corner being on the Easterly right-of-way line of South Riverside Drive; thence Northeasterly along the Easterly right-of-way line of South Riverside Drive a distance of 164.80 feet more or less to the point of beginning, and containing 39,313.260 square feet or 0.903 acres, more or less.

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to permit living quarters for a manager and nighttime security as an accessory use to a mini-storage project; and an Exception (Section 920 - Accessory Uses Permitted in Industrial Districts) to permit living quarters for a manager and nighttime security for a mini-storage project in an IL District located at 12323 East Skelly Drive.

Presentation:

Gerald Breeding advised the Board that the subject application is connected with a mini-storage operation which is currently under construction, pointing out that it was always the intention of the developer to provide 24-hour security and management during the daylight hours. When the original plans were submitted to the Building Inspector for permits, the plans reflected a 900 square foot area to be utilized as quarters for the manager and security guard and as a lounge area. It has now been found that a full-time manager will be required--the person to also act as a security guard during the night. Upon questioning, Mr. Breeding advised that the developer now plans to hire one couple to act as managers and security for the project. He also noted that the plans submitted to the Building Inspector showed bath and kitchen facilities next to the lounge area.

9160 (continued)

In Board discussion, Paul Jenkins, Building Inspector, advised that it has been the experience of the Building Inspector's Office that retired couples are hired for such jobs rather than a couple with children.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (5-0) upheld the decision of the Building Inspector and found (Section 920 - Accessory Uses Permitted in Industrial Districts) that the living quarters for a manager and nighttime security for a mini-storage project as a customary accessory use in this instance in an IL District on the following described tract:

The Easterly 50' of the Westerly 56.94' of Lot 9, Block 4, Eastgate Industrial Park Third Addition to the City of Tulsa, Tulsa County, Oklahoma; and a tract of land lying in the E/2 of Section 5, Township 19 North, Range 14 East of the Indian Base and Meridian, according to the United States Government Survey thereof, said tract being more particularly described as follows, to-wit: Commencing at the most Westerly corner of Lot 9, Block 4, Eastgate Industrial Park Third Addition; thence North  $48^{\circ}-55'-47''$  East along the North line of said Lot 9, a distance of 6.94' to the place of beginning; thence North  $41^{\circ}-04'-13''$  West a distance of 208'; thence North  $48^{\circ}-55'-47''$  East a distance of 237'; thence South  $48^{\circ}-55'-47''$  West a distance of 237' to the place of beginning.

ADDITIONAL ITEMS:

8964

Mr. Jones advised that the applicant is requesting a clarification of the Board's original approval which permitted a Kip's restaurant on the subject property in an IL District per plot plan.

W. O. Woodard submitted the plot plan (Exhibit "G-1"), advising that the plans submitted for the building permit were not the same as that approved by the Board, in that an additional 406 square feet of space for seating is being requested at this time--this portion of the structure being utilized as a planter when the previous plans were submitted to the Board. It was noted in reviewing the plans that the additional footage would align with the southeast wall of the structure.

In Board discussion of the applicant's request, it was determined that the submittal of a revised plot plan was not a reopening of the application, and further it was brought to the attention of the Board that there were no protestants to the original application which had been advertised for public hearing.

On MOTION of JOLLY, the Board (5-0) accepted the applicant's revised plot plan as a part of the record of 8964 which had been previously approved in March, 1976, on the subject property.

9147

This is a Communication (Exhibit "H-1") from Mrs. Gearldean Grammer requesting that her application, which was denied on August 5, 1976, be reexamined. She advised in her communication that she had applied for an exception to the moratorium through the City Commission and would like the Board to again review the application when the exception is granted.

Paul Jenkins, Building Inspector, advised the Board that the applicant and City Engineer had met with the Building Inspector's Office and the City Engineer noted that the moratorium must be waived prior to any determination being made with regard to the use itself.

In Board discussion, it was the consensus of the Board that the Staff should advise the applicant in writing that the Board would permit a readvertisement of the application utilizing the same application number if the moratorium was lifted from the property or an exception granted by the City Commission and if the accessory structure were relocated on the lot containing her mobile home.

9144

This is a Communication (Exhibit "I-1") from The Bason Company which alleges improper notice was given with regard to the subject application which was approved by the Board on August 5, 1976.

The Staff, in reviewing the list of those notified of the hearing, advised that a notice was sent to the address listed for The Bason Company--the address being the same as that on the letter--and that it was not returned.

It was pointed out in discussion, that the legal counsel had advised on several occasions that the law requires only that notice be mailed.

There being no objections, the Chair determined that proper notice had been given in that notice had been mailed to the Company at the address listed on the letterhead which was the same as that submitted by the applicant.

8980

This is a Communication (Exhibit "J-1") from a number of residents in the immediate area, advising that the conditions of the Board have not been met by the applicant and that the use is in operation. The residents requested that the Board's previous approval be rescinded.

The Board was advised that the Building Inspector's Office had cited the operation and the order issued expires August 20, 1976, which enables the applicant sufficient time in which to file an appeal to the cease and desist order prior to that date or meet the conditions imposed. Should the applicant not comply and not file an appeal, he is then subject to a \$100 per day fine and jail term, as stated in the Ordinance.

David Pauling, Assistant City Attorney, advised the Board that once the notice has expired and the applicant has failed to either comply with the conditions or file an appeal with the Board, the Building Inspector's representative and a law enforcement officer can approach the applicant as provided for in the Ordinance.

8.19.76:218(17)

Special Discussion:

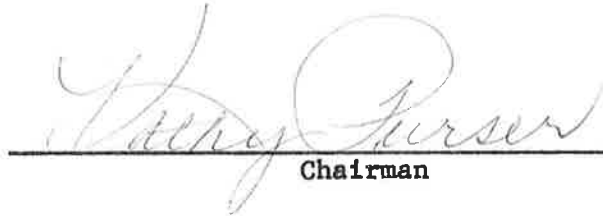
As a special item, the Board and Staff discussed the possibility of establishing a policy whereby conditions similar to those required in the platting process would be imposed on Use Unit 5 special exception uses which are not presently required by the Code. It was the consensus of the Board that such a policy should be considered.

On MOTION of PURSER, the Board (5-0) directed the Staff to present a recommendation to the Board regarding conditions similar to those required in the platting process which might be imposed as a policy on uses contained within Use Unit 5, Community Services, Cultural and Recreational Facilities.

There being no further business, the Chair declared the meeting adjourned at 4:17 p.m.

Date Approved

October 7, 1976

  
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Chairman