

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 220
Thursday, September 16, 1976, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Blessing (out 3:50 p.m.)
Guerrero, Chairman
Jolly (in 1:48 p.m.)
Purser, Mrs.
Smith (in 1:44 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 1:42 p.m. and declared a quorum present.

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, president of Tulsa Four Wheeler, Inc., advised the Board that the organization had voted not to obtain a surveyor because of the cost involved, noting that the locational information had been obtained by other means regarding the property under application. He pointed out that Mr. Banfield was still in the process of negotiating with Mr. Danforth for the additional five acres, but that the use would not be operated on Mr. Danforth's property as it is not a part of the application.

Debbie Jones, on behalf of the applicant, submitted information (Exhibit "A-1") to the Board advising of the exact location of the property under application for use by the organization. Some of the information came from USGS Maps and some from the Tax records in Pawhuska.

Upon questioning by the Board, Mr. Young advised that the organization was proposing to use the property only twice a year for three-day weekend (holiday) events.

Mr. Gardner advised that when the application was originally filed the Staff was concerned with the effect that the use might have on the surrounding properties, feeling that the use should be permitted, if supported, on a temporary basis only in order that it might be known what effect the use would have on the area.

Mr. Young advised that the property is located within an area that would be taken by the proposed expressway when it is extended this far to the north, pointing out that the use could only be temporary in nature. Upon questioning by the Board, he pointed out that the primary use of the

property would be to hold an annual Memorial Day weekend event (3 days) and possibly a Labor Day weekend event (3 days), with the track being utilized for testing purposes at other times with no racing being held after dark. Concession stands are to be furnished by the Broken Arrow Lions Club, sanitary facilities will be rented for the events and drinking water is available; however, there is no spectator seating furnished.

Protests: None.

Board Action:

PURSER moved to approve the application limiting the use to three major events each year. This motion dying for the lack of a second,

BLESSING moved to deny the application. This motion dying for the lack of a second,

on MOTION of PURSER, the Board (3-1-1, with Blessing voting "nay" and Jolly "abstaining") approved an 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, limiting the use to three, three-day weekend events per year, in an AG District on the following described tract:

A tract located in a portion of fractional Lot 4 of and in the SE/4 of Section 15, Township 20 North, Range 12 East of the Indian Base and Meridian, Osage County, Oklahoma, according to the Government Survey thereof, and being more particularly described as follows:

Beginning at the Southwest corner of Fractional Lot 8, Section 14; thence South along the East line of Lots 3 and 4 a distance of 1,001.10' to a point on the East line of Lot 4, the point of beginning; thence South 552.9' to the Southeast corner of Lot 4, Section 14; thence West 731.95' to a point; thence North 501.4' to the Southwest corner of Property deeded to Lessees then East along the South line of said Property deeded to Lessees a distance of 739.89' to the point of beginning; and

The North 200' of Lot Six (6), and the N/2 of the Southeast Ten (10) acres of Lot Five (5), and the Northeast Ten (10) acres of Lot Five (5), and the West 10.32 acres of Lot Five (5) in Section 23, Township 20 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the United States Survey thereof.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Section 1217 - Automotive and Allied Activities) to permit a muffler shop; and a Minor Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 150' to 114.81' to permit a lot-split (L-13788) in a CS District located at 19th and South 129th East Avenue.

9190 (continued)

Presentation:

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

Bill Cox requested permission to operate a Midas Muffler Shop on the subject property and requested that the lot-split be approved as requested.

Mr. Gardner advised that the Staff's primary concerns are that no outside storage of materials be permitted and that no outside automobile repair be undertaken. Mr. Cox then advised that it is customary of the Midas operations that all work be performed inside the structure.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (5-0) approved an Exception (Section 710 - Principal Uses Permitted in the Commercial District - Section 1217 - Automotive and Allied Activities) to permit a muffler shop as presented; and a Minor Variance (Section 730 - Bulk and Area Requirements in the Commercial Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 150' to 114.81' to permit a lot-split (L-13788) in a CS District on the following described tract:

Beginning at the Northeast corner of Lot 1, Block 1, Stacy Lynn Third Annex Addition to the City of Tulsa, Oklahoma; thence South $77^{\circ}43'-00''$ a distance of 200'; thence South 150'; thence South $89^{\circ}47'-00''$ East a distance of 200'; thence North 150' to the point of beginning.

SPECIAL REQUEST:

9207

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit Use Unit 15 uses in a CS District located at the northeast corner of 21st Street and Garnett Road.

Presentation:

Roy Johnsen requested the subject application be continued to October 7, 1976 in order that the notice might be broadened.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (5-0) continued application 9207 to October 7, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

NEW APPLICATIONS:

9162

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., advised that Construction Services is requesting a waiver of the setback requirement on the north and west in order that the proposed structure might be constructed on the north and west property lines per plot plan previously submitted. He felt that the construction of the structure would improve the area and would eliminate some of the vegetation (Poison Ivy) which is creating problems for the area residents, and that the structure wall would act as a screening wall along the north and west property lines as there will be no doors or windows in these walls.

Mr. Gardner noted that the Staff had previously advised that if an area were to be left between the proposed structure and the properties to the west, a solid screening fence would be required to connect the building with the west property line and prohibit access to the north.

Mr. Archibald advised that the existing 10' screening fence on the north would be removed and replaced on the western property line, which would create a screening wall for approximately four of the residential lots and act as a screening wall which would cover a large portion of the existing structures. He noted that a majority of the lots which back to the subject property contain a great deal of vegetation along the existing six foot chain link fence which he felt would act as a screening wall between the residential and subject properties. Mr. Archibald submitted a copy (Exhibit "B-1") of his answers to the protestants' objections which were aired at the first hearing of the application.

Protests:

Lelah Gibson, 2738 East Newton Place, questioned how far east the structures would be located and questioned the distance of the structure from her home, after which the Staff advised that the structure could be located no closer to her property than 25'.

Ann Newcomb, 1217 North Columbia, felt that the screening fence and structure wall would shade her property which would ruin her gardens. She further pointed out that the plant is in operation 24 hours a day rather than eight hours a day as previously represented by the applicant.

Alta Spurzzola, 1520 North College Avenue, advised the Board that she maintains rental properties in the area and expressed concern with regard to the location of the proposed structure. After viewing the applicant's plan, Mrs. Spurzzola advised she had no objection to the application.

J. D. Langley, 1409 North Delaware, expressed concern with regard to truck traffic utilizing the residential streets, feeling that the required screening would prohibit access to the north.

James Cravens, 1329 North Delaware, expressed concern with regard to truck traffic and requested that the screening be required.

Gladys Crabtree, 1323 North Delaware, advised the Board that he did not object to the expansion of the plant, but he did not want to see trucks utilizing the residential streets as they are now doing.

In his final remarks to the Board, Mr. Archibald advised that the plant is in the process of accepting bids for the installation of a sprinkling system for fire safety, that there is only one access point from the property to Dawson at present because the other gates have been welded shut, and also that the plant would have no objection to the Board prohibiting access to the north. With regard to the number of vehicles parking along Dawson Road, Mr. Archibald advised that only 25% of the 400 automobiles in the area are owned by company employees.

Board Action:

On MOTION of JOLLY, the Board (5-0) approved a 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, per plot plan, in an IM District on the following described tract:

Beginning at the Northeast corner of the SE/4 of the NW/4 of Section 32, Township 20 North, Range 13 East; thence South 655.7'; thence Southwest 300' parallel with the St. Louis and San Francisco Railroad a distance of 133' from the centerline thereof; thence North to the North line of the SE/4, SE/4 and the NW/4; thence East to the point of beginning, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670) to divide a tract of land into three lots, each being 2 1/2 acres or more, and with each lot being granted by deed, right-of-way for access along the east 30' of the tract thus giving access to 116th Street in an AG District located at 5900 East 116th Street.

Presentation:

Bill Buffington submitted his plan (Exhibit "C-1") to the Board, advising that he intends to divide the subject 10 acre tract into three lots, each being more than 2 1/2 acres in size, with roadway easement being provided along the eastern side of the properties to run with the deed to the land for access purposes.

David Pauling, Assistant City Attorney, felt that the applicant was requesting something which was specifically prohibited as the Board would not have jurisdiction to divide land. He cited Section 205, noting that

the 10 acre AG tract is being lotted for residential development without the benefit of zoning or platting which would include such things as utilities, etc. He noted that the property can be deeded into three tracts without Planning Commission approval, but when the properties are sold for development and the property owners attempt to obtain building permits, problems would arise at that time. He did not feel that the question of dividing the property into three tracts was properly before the Board, as Section 205 was not advertised to be considered by this Board.

Mr. Edwards pointed out that the three tracts would have 300' of frontage and be over 2 1/2 acres in size, noting that the only question before the Board is the frontage on a dedicated street--the dedication being handled at the County level. Mr. Gardner advised that if the applicant dedicated sufficient right-of-way to be filed with the County Clerk and subdivided the property into three lots with 300' of frontage or more with access to the street, this Board of Adjustment application would not be necessary. By definition, it takes five or more lots to create a subdivision, or any division of land involving right-of-way. If all lots had 300' of frontage, a problem may arise after dedication as to whether or not the properties would then contain 2 1/2 acres of land area.

In his comments to the Board, and in discussion, Mr. Pauling suggested that the applicant could either withdraw his application or continue the application in order that he might meet with the County regarding the division of the properties as proposed to determine if this proposal is or is not the establishment of a "wildcat" subdivision.

At this point, Mr. Buffington requested that the subject application be continued.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (5-0) continued application 9172 to October 7, 1976, 1:30 p.m., Langenheimer Auditorium, City Hall, Tulsa Civic Center.

9188

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses) to bury one 5,000-gallon underground gas tank at Woodward Park; and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for a public park in an RS-2 District located south and east of 21st Street and Peoria Avenue.

Presentation:

Randy Nicholson, representing the City of Tulsa Park and Recreation Department, advised that the Tulsa Garden Center has been operated as the horticultural maintenance headquarters since 1964 and the Park Department is now requesting that installation of a 3,500-gallon underground gasoline tank be permitted on the property at approximately 150' from the property's easternmost boundary. The facility requires the use of approximately 7,500 gallons of gasoline each year which is presently being hauled from Newblock Park to the facility and dispensed via two 55-gallon hand pumps. The gasoline is
9.16.76:220(6)

used by Park Department personnel for the maintenance of the various horticultural gardens located throughout the City and the installation of the underground tank would eliminate the need of transporting gasoline across town. The required usage would necessitate the tank's being filled approximately three times each 18 months, with 15 vehicles utilizing the gasoline from the tank. Mr. Nicholson advised that the location of the tank had been discussed with the Fire Marshal's office. Roy Gann, Fire Marshal, advised the Board, upon questioning, that the proposed underground tank would be much safer than utilizing the on-site 55-gallon drums and transporting gasoline several times per week, pointing out that it is illegal to transport gasoline in unapproved trucks.

Protests:

R. L. Davidson, Jr., attorney representing over 100 residents in the area, submitted a protest petition (Exhibit "D-1") containing the signatures of 102 residents opposed to the subject application. Mr. Davidson did not feel that the maintenance facility was part of a park as one usually refers to a park. He felt that the facilities of the Traffic Engineering and Water Departments on West 23rd Street could be utilized by the Park Department rather than establishing the underground tank at Woodward Park because of the location of the park within a well-established high-quality residential area.

Barbara Raney, 2267 South Rockford, advised the Board that she represented many mothers in the area who feel the truck traffic would create a safety hazard for the children who utilize the park area.

Harriet Reece, 2235 South Rockford, advised the Board that only the half of Rockford abutting the residential properties is paved while the half of the street abutting the park is not. She felt that additional truck traffic would create a safety hazard for the children and have a detrimental affect on the neighborhood. Mrs. Reece also expressed concern with the gasoline being located so near the fertilizer storage area.

Bill Jackson, 2239 South Rockford, advised the Board that he was in agreement with the previous statements presented, noting that it was his understanding that until recently the gasoline was transported to Woodward Park in an old truck which appeared to be an old fire engine.

Phil Chaplin, 2440 South Terwilliger, objected to the large number of trucks utilizing Terwilliger, a residential street, feeling that maintaining the underground tank at the park would create additional traffic in the area. Mr. Chaplin questioned why the 55-gallon drums needed refilling two or three times per week if the gasoline was used for lawn mowers and such equipment.

Doug Inhofe, 1398 East 25th Street, felt that there were more favorable alternatives that the Park Department could utilize rather than maintaining a new 3,500-gallon tank or the two 55-gallon drums on the park property. He felt that possibly the two 55-gallon drums could be buried underground or the gasoline could be transported from other City facilities.

Gary Baker, 2409 South St. Louis, advised the Board that the citizens of the City are civic minded and have supported the Park Department in the past, but felt that the proposed tank is something that the area residents should not be asked to support. He felt that there were many alternatives that should be considered prior to maintaining the large tank on the park property.

Craig Hoster, 2255 South Rockford, questioned what the Park Department planned to do if the application were denied and requested that the Park Department do everything possible to make the existing tanks meet existing safety standards. He felt approval would create additional truck traffic through the residential area.

Interested Party:

Jeannie Walter, 1396 East 25th Street, felt that the protests were inappropriate, questioning how people could discuss the beauty of the park and then criticize the need for this type of facility to maintain the park in its present state. She pointed out that the representative from the Fire Department had advised that the location of the tank underground would be more safe than the existing two 55-gallon drums and that there would be no danger with regard to the proposed location of the tank and fertilizer storage. Ms. Walter further pointed out that the Park Department has maintained its present facility on the park grounds without complaints until now. She requested the application be approved.

Mr. Nicholson advised the Board and protestants that the Park Department had spoken with representatives from the Water Department and the Traffic Engineering Department with regard to sharing their facilities, but found that this would not be a feasible arrangement because of the expanded usage of those Departments. He pointed out again that the Fire Department Inspector inspected the property, did not feel that there would be any danger involved with the location of the tank and the location of the fertilizer storage, because of the safety standards that must be met. Mr. Nicholson advised that this is the only maintenance center for the Horticulture Division and therefore the number of vehicles is larger than would be required for one park. Because of the lack of funds to relocate the maintenance facility, the Park Department is trying to utilize its existing facilities to their greatest advantage. He pointed out that the amount of truck traffic would not increase or decrease if the application were approved, as the facility is nonconforming at present. Upon questioning, he pointed out that only 15 vehicles are stored on the property and utilized by the Horticulture Division to maintain the City's parks.

Board Member Smith advised he had no objections to maintaining the existing operation, but because of the close proximity of Woodward Park to other existing City facilities on 23rd Street (one mile) he did not feel he could support the subject request. Mr. Smith felt that the City should look into the possibility of providing better facilities for all Departments other than just the Newblock Park facility and he could see no reason why the facilities on 23rd Street could not be utilized. He further questioned the possibility of the tank being located at Tracy Park at 6th and Peoria.

Frank Laphen, 1336 East 25th Street, advised that the Board approve a similar request for Mohawk Park to permit an underground gasoline storage tank, at which time it was noted that possibly that facility could be utilized as a centralized gasoline facility.

Board Action:

On MOTION of JOLLY, the Board (5-0) denied an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1202 - Area-Wide Special Exception Uses) to bury one 3,500-gallon underground gas

9188 (continued)

tank at Woodward Park; and approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for a public park in an RS-2 District on the following described tract:

The East 526.35' of the North 470' of Lot 2, Section 18, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

9192

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Under the Provisions of Section 1670) for a variance of the 750 square foot minimum for an accessory building in an RS-3 District located at 1513 East 91st Street.

Presentation:

Morris Ishmael submitted the plot plan (Exhibit "E-1"), requesting he be permitted to erect a 1,200 square foot accessory building on the subject property in order that he and his wife might park their automobiles and store their boat and lawn and garden equipment in the building as they have had experience with some of their possessions being stolen due to the lack of storage. Mr. Ishmael advised, upon questioning, that he owns two acres of land which includes the two lots to the east of the subject tract. He noted that he has a business at 3132 South Memorial and that no business or storage for the business takes place on his residential property.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (5-0) approved a Variance (Section 240.2 (e)- Permitted Yard Obstructions - Under the Provisions of Section 1670) for a variance of the 750 square foot minimum for an accessory building, per plot plan, subject to no business being operated on the property as presented, in an RS-3 District on the following described tract:

The West 114' of the South 247.59' of the West 352.02' of the SE/4, SW/4, of Section 18, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

9197

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts- Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for university purposes in an RS-1 and RS-3 District located south and east of 75th Street and Lewis Avenue.

Presentation:

Charles Norman, representing Oral Roberts University, requested a continuance of the subject application to October 21 in order that the street vacation applications before the City Commission might be acted upon prior to the subject application.

Upon questioning, it was determined that there was opposition to the application being continued at this time, and Mr. Norman advised that he would proceed.

9.16.76:220(9)

Mr. Norman advised that the purpose of the subject application was to clarify the status of certain parts of the campus and certain portions of previously dedicated but never used public streets. The campus, he noted, was originally approved for university purposes by the Board in February, 1962, at which time the approval was granted for the entire southwest quarter of the section less the northern and eastern 165'. At that time and to date there existed a dedication for 76th Street along the north side of the quarter section. The purpose of leaving the northern and eastern 165' was to plat the lots facing into 76th Street. Subsequently, the University has acquired all of that property. As a result of several investigations, it has been discovered that there has never been any action by the Board on the north and east 165' for university purposes. Mr. Norman pointed out that the Board has approved parking applications for lots which have been in existence for several years and there is a maintenance facility which has been in existence for a number of years and has been expanded on three occasions pursuant to building permits having been issued by the City, inadvertently. He advised that the subject application was filed after the applications for the street vacations had been submitted to the City for action. Mr. Norman further pointed out that the 40-acre tract along the east portion of the campus was approved for athletic activities by the Board at the time the aerobics building was commenced and now there is some question in the mind of the Building Inspections Department as to the extent of that approval. He requested approval for the use of those areas under application for general university purposes, and requested a continuance to permit the City Commission sufficient time in which to act on the vacation requests and to permit the readvertisement of the application to broaden the request.

Protests:

Charles Skalnik, attorney representing Harland Evans of 2601 East 75th, advised the Board he had no objections to the continuance.

Clint Gold, address unknown, advised the Board that he lived adjacent to the subject property until recently when he moved from the area. He requested that he be permitted to advise the Board of his experiences living adjacent to the University property. He further advised that he possibly would be unable to attend the meeting of October 21 and would, therefore, like to present his comments at this time. Mr. Gold submitted 27 photographs (Exhibit "F-1") of his property, his property in relation to the University property, and the manner in which the University has maintained that property which abuts his residence. He advised that the residents in the immediate area have experienced problems with the debris lying in the area which contains rat nests. Mr. Gold also submitted a sketch (Exhibit "F-3") of the University property, reviewing each of the Board of Adjustment applications that have occurred in the past with relation to the University, and advising of the manner in which the term "for university purposes" has been broadened in order that building permits might be issued for various structures on the University property. Mr. Gold advised that he had spoken with the University regarding the debris and the rats and nothing was done to eliminate the problem until he had spoken with Dr. Prothro of the City-County Health Department. He advised of the increased water runoff and the fact that the University has not been required to provide water retention at any point in the development of the University. Mr. Gold felt that the Building Inspector's Office had wrongly issued building permits based on previous Board approvals.

9197 (continued)

Board Member Jolly advised that the allegations, presented by Mr. Gold in his comments, against various City Departments had not been substantiated and he felt should not be considered at this time.

Richard Johnson, 7532 South Evanston, advised the Board that his property backs to the University property and questioned whether or not all property owners in the area were required to be notified of the proposed vacation of the streets under consideration by the City Commission. Mr. Johnson felt that the University should give more attention to the upkeep of its maintenance facility and felt that it should be more secluded from the view of the homeowners in the area.

Board Action:

On MOTION of JOLLY, the Board (5-0) continued application 9197 to October 21, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9202

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) for issuing an order to stop all business activity until required screening fence is erected in a CS District located at 3525 North Hartford Avenue.

Presentation:

Nate Mosby, the applicant, was not present.

Mr. Gardner advised that the Building Inspector's Office had issued a cease and desist order to the applicant as all conditions of the Board's previous approval had not been met prior to the business being undertaken. Mr. Gardner advised that the applicant had ten days in which to answer the order by either complying or filing an application and that he had filed the subject application on the tenth day. He pointed out that the Building Inspector cannot enforce the Board's previous approval until such time as the Board has made a decision with regard to the subject application.

Board Member Jolly felt that the comments of the protestants should be recorded this date and the item continued in order that the applicant might be present to present his application. The Chair noted that the Board has the choice of either continuing the application this date or acting without the applicant being present.

Protests:

Thelma Downs, 705 East 35th Street North, referred to the District 25 Plan regarding development and its compatibility with surrounding residential areas, noting that she was not opposed to the commercial development but to the fact that the applicant had not complied with the conditions of the Board's previous approval.

Charlie Frazier, 711 East 35th Street North, advised the Board that the conditions regarding screening and access have not been followed by the applicant, pointing out that the established access on Hartford increases the safety hazards in the area. He pointed out that the car wash is in operation and requested that the screening be required as originally imposed.

9202 (continued)

Rhoda Offord, 3518 North Hartford, felt that the screening fence should be required as originally imposed as there is no privacy from the operation for the residents in the area.

Paul Jenkins, Building Inspector, advised the Board that the applicant was advised prior to and after the operation began that screening was required and the applicant was cited for not meeting the requirements of the Board.

Board Member Jolly suggested that the item be tabled to the end of the meeting in order that the applicant might appear; however, should he not appear, the Board would make its decision this date with regard to the subject application.

At a later point in the meeting, it was determined that the applicant was not and had not been present for the hearing of the application.

Board Action:

On MOTION of JOLLY, the Board (4-0) denied the appeal and upheld the decision of the Building Inspector with regard to the issuance of an order to stop all business activity until the required screening had been erected in a CS District on the following described tract:

The North 83' of the West 152' of Lot 2, Block 1, Chapel Hill Addition to the City of Tulsa, Oklahoma.

9203

Action Requested:

Variance (Section 320 - Accessory Uses in the Agriculture District - Under the Provisions of Section 1670) to operate a home beauty shop in an AG District located at 13324 North 97th East Avenue.

Presentation:

Elaine Campbell requested permission to operate a home beauty shop on the subject property, advising that she was aware of the regulations of a home occupation but requested that she be permitted to place a small advertising sign in her window. The Board noted that the regulations of a home occupation did not permit a sign to be located on the property.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) approved a Variance (Section 320 - Accessory Uses in the Agriculture District - Under the Provisions of Section 1670) to operate a home beauty shop per the regulations of a home occupation with no advertising sign being permitted in an AG District on the following described tract:

Part of the SE/4, NE/4 of Section 36, Township 22 North, Range 13 East, Tulsa County, Oklahoma; described as beginning 1,351.45' from the North-east corner of the NE/4; thence South 331.60'; thence West 354.74'; thence North 331.60'; thence East 354.72' to the point of beginning.

9204

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 6004 South 64th West Avenue.

Presentation:

Patricia Stephenson requested permission to locate a mobile home on the subject property as there are many mobile homes in the area. She advised, upon questioning, that the mobile home would be her permanent residence and that she was aware that approval was required on a yearly basis.

Protests: None.

Board Action:

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

Lots 1 and 2, Block 8, New Taneha Addition to the City of Tulsa, Oklahoma.

9205

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 220 South Toledo Avenue.

Presentation:

Mrs. D. J. Garcia requested permission to operate a home beauty shop on the subject property, advising that she and her husband reside in the structure to contain the beauty shop. She stated, upon questioning, that they own the residence next door but that it is rented at present. She further noted that she was aware of the regulations of a home occupation.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an 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 on the following described tract:

Lot 209, Block 2, Rogers Heights Addition to the City of Tulsa, Okla.

9206

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; and a Variance (Section 420.2 (d) - Accessory Use Conditions - Signs) for a variance of the sign requirements from 32 square feet to 50 square feet in an RS-2 District located at 5623 South Lewis Avenue.

9.16.76:220(13)

Presentation:

Bob Lawson, representing the applicant and National Child Care Centers, requested permission to operate a child care center on the subject property and requested a variance of the sign requirements to permit a 50 square foot sign on the property as opposed to the 32 square feet permitted by the Code. He submitted a plan (Exhibit "G-1") of the type of sign proposed and a photograph (Exhibit "G-2") of the manner in which the property would be developed.

Mr. Gardner advised of the rezoning application pending before the Planning Commission to be heard September 22, pointing out that a 32 square foot sign is permitted in the OL District by right while a 32 square foot sign is permitted in the RS-2 District by an exception via the Board. Though the property is zoned RS-2 Mr. Gardner noted that the property is located on a major street rather than on an interior street and is included within an adopted Special Zoning Study (51st-61st-South Lewis Avenue).

Upon questioning by the Board, Mr. Lawson advised that a 32 square foot sign could more than likely be provided; however, the company has established a sign design that is used throughout the operation. Mr. Lawson noted that the rezoning application is consistent with the special zoning study in the area which permits OL zoning and felt that the sign proposed would be compatible with the development in the area along Lewis Avenue.

Mr. Gardner advised that the rezoning application filed is in accordance with the special zoning study in the area, noting that the Comprehensive Plan for this District designates this area as low-intensity--no land use. The Staff felt that this type of use was appropriate along Lewis Avenue and that the Board's action would be the best route to obtain the use if it is appropriate on this tract, as the Board has the authority to impose conditions to make the use compatible with the development in the area.

Interested Party:

John Greenstreet, 5599 South Lewis Avenue, felt that the OL zoning should be granted on the property rather than the use being permitted in the RS-2 District because OL zoning is more compatible with the development of the area.

Protests:

Harry Allen, Chairman of District 18 representing the Steering Committee, questioned if the applicant intended to use the existing structure and if not, would replatting of the property be required prior to construction of a new structure. Mr. Allen noted that the property is presently zoned RS-2 and he opposed the sign variance on behalf of the Committee as signs are not generally permitted in residential districts.

David Hoover, 2439 East 57th Street, submitted a protest petition (Exhibit "G-3") containing the signatures of 37 area residents who oppose the proposed 50 square foot sign as it would not be compatible with the signs located on either side of the subject property. Mr. Hoover opposed the proposed use of the subject property as the area between 51st and 61st Streets on Lewis Avenue has experienced increased traffic in the recent past and the proposed use would add to that traffic problem.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RM-2 District located at 6150 West 10th Street.

Presentation:

Mary Rose Paul requested she be permitted to maintain the mobile home on the subject property for an additional year for the use of her son and his wife.

Protests: None.Board Action:

On MOTION of JOLLY, the Board (4-0) 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 RM-2 District on the following described tract:

The South 70' of the West 136' of Lot 3, and the South 70' of the East 14' of Lot 4; Block 7, Lawnwood Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) to operate a horticultural nursery in an RS-3 District located at 1701 West Queen Street.

Presentation:

A representative for the applicant, Dallas Standridge, requested that he and Mr. Standridge be permitted to operate a horticultural nursery on the subject property. He described the area, advising that there are seven houses in the area which is near Gilcrease Hills. He noted that the nursery would be operated by the two gentlemen as a hobby and they do not intend to sell from the property. The property will contain a small greenhouse and there is no storage of chemicals planned. He further advised that he had spoken with representatives from Gilcrease Hills who had no objection to the use.

Mr. Gardner advised that the Staff was opposed to any retail outlet being operated on the property since the property is residential and planned for same in the Comprehensive Plan.

Protests:

Ralph Howser, 1705 West Queen, submitted two photographs (Exhibit "H-1") of the subject property to the Board in order that they might be aware of the manner in which the property has been maintained. He advised that Queen Street is one lane and he expressed concern with inadequate parking being provided. He questioned the type of greenhouse planned and felt that the use would devalue the neighborhood.

Mrs. Ralph Howser, 1705 West Queen, did not feel that the property and its use would be properly maintained as the property is not maintained at present. She questioned how the nursery would be maintained if the property cannot be maintained at present.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 - Special Exception Uses in Residential Districts, Requirements - Duplex) to erect a duplex; and a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build across a lot line in an RS-3 District located at the southeast corner of 41st Street and 40th West Ave.

Presentation:

Mike Parrish submitted the plot plan (Exhibit "J-1") requesting permission to erect a duplex on the subject property, involving a request to build across a lot line.

Protests:

Charles Inhofe, 4112 South 40th West Avenue, submitted a protest petition (Exhibit "J-2") containing the signatures of 46 area residents opposed to the subject application. Mr. Inhofe felt that the location of the duplex in the single-family neighborhood would devalue properties, noting that the neighborhood has always been maintained single-family. He did not feel that a duplex in the area would be good planning.

Mrs. E. C. Sittler, 4118 South 40th West Avenue, requested that the neighborhood be maintained single-family residential with no duplexes being permitted.

Mrs. Earl Hillhouse, 4123 South 40th West Avenue, noted that the duplex structure would be rented and felt that the residents of the duplex would not properly maintain the property. She advised that the residents in the area have comfortable homes and are unhappy with rental properties being permitted in the area because of the constant changing of tenants. She felt that additional police protection should be given if the application were approved.

Mr. Parrish advised the Board and protestants that the structure would be comparable with other structures in the area. Upon questioning he advised that most of the residences in the area are between 1,400 and 1,650 square feet, while the duplex proposed will contain 1,350 square feet per side including the garage.

Board Action:

On MOTION of PURSER, the Board (4-0) denied application 9212 in an RS-3 District on the following described tract:

Lot 1 and the West Half of Lot 2, Block 2, Laurel Heights Addition to the City of Tulsa, 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 RS-3 District located at 13202 East 23rd Street.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RM-1 District located at 5521 East Ute Street.

Presentation:

Carl Miller requested permission to locate a mobile home on the subject property as a permanent residence in order that he might be close to his mother.

Mr. Gardner advised the Board that the Staff had been made aware of a possible notice problem. He also pointed out that approximately one-half of the property is located within the recently adopted moratorium and that the Board should be concerned with the planned location of the mobile home.

Interested Party:

C. E. Wilson, 5519 East Tecumseh, questioned whether or not property notice had been given and whether or not the proper legal description had been published.

Board Action:

JOLLY moved to continue the subject application to October 7, 1976 in order that the applicant might research whether or not proper notice and a proper legal description had been given and in order that the Staff might provide the Board with a map locating the moratorium on the property. At a later point in the meeting, Mr. Miller and Mr. Wilson returned and advised that proper notice and legal description had been given. Mr. Wilson noted he had no objection to the application.

On MOTION of JOLLY, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home, for a period of one year subject to the customary removal bond, and subject to a determination that the mobile home will not be located within the moratorium portion of the property, in an RM-1 District on the following described tract:

North 300' of the South 500' of Tract "D", Original Townsite of Dawson, 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 side yard requirements from 5' to 4.3' in an RS-3 District located at 3706 West 42nd Place.

Presentation:

John Harnish submitted the plot plan (Exhibit "M-1") and requested a variance of the side yard in order that the proposed addition to the structure would align with that which is existing.

Protests: None.

9226 (continued)

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 side yard requirements from 5' to 4.3', per plot plan, in an RS-3 District on the following described tract:

Lot 2, Block 4, Park Grove Addition to the City of Tulsa, Oklahoma.

9236

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 20' to 16' in an RS-3 District located at 5840 South 67th East Avenue.

Presentation:

John Matejec submitted the plot plan (Exhibit "N-1") requesting a variance in order that the proposed addition to the residence might be constructed. He advised that the lot is off-shaped and that there is a swimming pool in place and the addition must be located in the rear yard in order to be constructed as proposed.

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 Provision of Section 1630) for a variance of the rear yard requirements from 20' to 16' per plot plan in an RS-3 District on the following described tract:

Lot 2, Block 24, Woodland View Third Addition to the City of Tulsa, Oklahoma.

ADDITIONAL ITEMS:

9124

This is a request from Vaden Bales, attorney for Anthony Saglime, that the Board's original approval be reviewed and a substitute plot plan (Exhibit "O-1") be accepted in that the applicant is proposing to add an additional greenhouse and 20 parking spaces over and above that which was approved in July, 1976. There were no protestants at the hearing and it was felt that the addition would be compatible. He noted that the original plot plan approved was not complete and the building permit could not be issued until such time as the Board reviewed the substitute plan and granted approval.

On MOTION of JOLLY, the Board (4-0) accepted the substitute plot plan for application 9124 with the understanding that no waivers of the bulk and area requirements are being sought that would result in a need for readvertisement of the application, in a CS District on the following described tract:

North 326.94' of Lot 2, Block 1, Dolman Addition to the City of Tulsa, Oklahoma.

Interpretation:

This is a request (Exhibit "P-1") from the Building Inspector's Office for an interpretation of Section 1205 as to whether or not animal quarters for a research building would be a customary accessory use for a university. If the use is considered accessory, would parking be required and if so, on what area. Also requested was an interpretation as to whether or not parking would be required for accessory uses such as churches, auditoriums, cafeterias, etc., that are used by visitors or the general public. Also, does accessory office use require parking for employees. The communication advised that all of the above-mentioned uses are authorized by a special exception in an R District.

In discussion of the requests being made of the Building Inspector, the Board was advised that Oral Roberts University is requesting the mentioned uses. Board Member Jolly felt that the Board should have required originally a concept development plan from the university with a stipulation that plans for each specific structure and use would be returned to the Board for final review as has been done with other universities and developments throughout the City.

Mr. Gardner suggested that if there was any doubt in the mind of the Building Inspector with regard to whether or not a specific use was to be a part of the Board's approval, that the request should be referred to the Board for an interpretation. He pointed out that the Board's approval for "university use" under the original application was fairly broad, however the eastern area approved for recreation use was more specific.

Board Member Jolly felt that the Staff should advise the University's attorney in writing of the feelings of the Board in that the Board supports the filing of a concept development plan with specific plans being provided for review for each structure and use.

With regard to the additional questions of parking from the Building Inspector, Mr. Gardner advised he would like to have an opportunity to study the matter as well as the Legal Department on those specific questions.

There being no objections, the Chair directed the Staff to advise the University's attorney of the feelings of the Board and reply to the Board on the parking question prior to next meeting. Also, the same questions were to be referred to the Legal Department for a determination.

There being no further business, the Chair declared the meeting adjourned at 6:40 p.m.

Date Approved

October 21, 1976



Chairman