

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 221
Thursday, October 7, 1976, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Blessing Purser, Mrs. Smith	Guerrero, Chairman Jolly	Etter, Mrs. Gardner Jones	Jenkins, Building Inspectors Office Linker, Legal Dept. (in 2:30, out 4:05 p.m.) Pauling, Legal Dept. (out 2:30, in 4:05, out 6:10 p.m.)

Acting Chairman Purser called the meeting to order at 1:42 p.m. and declared a quorum present, advising that a concurrence of three members of the Board was required in order for an application to be approved. She questioned whether or not there were those applicants present who might like to request a continuance in order that four or five members of the Board might be present at the time of consideration.

SPECIAL REQUESTS:

9242

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in residential Districts- Under the Provisions of Section 1670) for a variance of the side yard requirements from 10' to 5' and a variance of the front setback requirements from 30' to 13' 6" in an RS-2 District located at 1815 East 32nd Street.

Presentation:

Edward Brett requested a continuance of the subject application to October 21, 1976.

Protests:

Unnamed protestants present had no objection to the requested continuance.

Board Action:

On MOTION of BLESSING, the Board (3-0) continued application 9242 to October 21, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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 - Under the Provisions of Section 1670) for a variance of sign requirements from 32 square feet to 50 square feet in an RS-2 District located at 5623 South Lewis Avenue.

Presentation:

Phillip Ryan, representing National Child Care Centers, Inc., requested a continuance of the subject application to October 21, 1976 in order that a larger Board quorum might be present to consider the application.

Protests:

David Hoover, 2439 East 57th Street, did not feel that the application had changed to warrant a continuance and requested that the application be presented and a decision made this date as all interested parties were present.

W. R. Blake, 5641 South Atlanta Avenue, supported Mr. Hoover's comments.

William McLaughlin, representing District 18, advised the Board that the Board's decision on the sign at 71st and Braden had been appealed to District Court, noting that should the application this date also be approved, that the appeal would be amended to include the subject application.

David Pauling, Assistant City Attorney, advised that the two applications are separate, that there is a 10-day appeal filing period, and that the first appeal could not be amended to include the subject application--a separate appeal would be required.

Board Action:

On MOTION of SMITH, the Board voted 3-0 to hear the subject application this date as the application was continued in order that a plot plan might be presented and on the basis that the protestants have been present at each hearing.

MINUTES:

On MOTION of SMITH, the Board (3-0) approved the Minutes of August 19, 1976 (No. 218) and the Minutes of September 2, 1976 (No. 219).

UNFINISHED BUSINESS:

9172

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 2.5 acres or more) 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:

William Buffington, the applicant, was not present. The Staff advised that a continuance of the application to October 21, 1976 would be required in order that the application might be readvertised.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) continued application 9172 to October 21, 1976, 1:30 p.m., Lanenheim Auditorium, City Hall, Tulsa Civic Center.

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 - Under the Provisions of Section 1670) for a variance of sign requirements from 32 square feet to 50 square feet in an RS-2 District located at 5623 South Lewis Avenue.

Presentation:

Phillip Ryan, representing National Child Care Centers, Inc., submitted the plot plan (Exhibit "A-1") and two photographs (Exhibit "A-2") of centers which the Company operates, advising that there are 15 employees involved in the operation of one center and 18 parking spaces have been provided on the plot plan with ingress and egress to South Lewis Avenue. Mr. Ryan noted that the Planning Commission had recommended the west 140' of the subject property be rezoned OL, with the balance having been recommended for RD zoning which would landlock the RD property for development purposes. Mr. Ryan requested permission to establish and operate a day care center on the subject property, per plot plan, and a variance of the permitted sign size from 32 square feet to 39 square feet as had been established at a previous meeting of the Board, rather than the 50 square feet advertised, on the basis that the 39 square feet is a calculation of the oval-shaped sign as opposed to squaring the sign prior to calculations. He requested he be permitted to readvertise the subject application to permit construction across zoning district lines, after which Mr. Gardner advised that the Board has the authority to permit the use by exception in both the OL and the R District. He pointed out that the City Commission had not yet considered the rezoning application. Mr. Ryan noted that the center proposed is of high-quality design, that the children are supervised with most of the instruction being undertaken indoors so as not to create a noise problem, that increased traffic will not be a problem according to traffic count information, that the facility would be utilized by the residents in the area, and that flooding is not a problem in the immediate vicinity of the property. He felt that the design and construction of the \$280,000 structure would be compatible with the area and not decrease property values, noting that a privacy fence would be erected around the entire playground area should the Board so desire. Upon questioning, Mr. Ryan advised that the property to the south is zoned OL, that the property to the north is zoned RS-2 but the owner would also like the property to be rezoned OL; and that the property to the east is RS-2 single-family residential. He explained the operation of the children entering and leaving the facility, noting the canopy and intercom system that will enable the parents to leave the children without requiring them to leave their automobiles; however, should it be necessary for them to enter the facility, there would be parking available. The center would accommodate a total of 150 children and would be operated between 6:30 a.m. and 6:30 p.m.

Board Member Smith questioned what would occur on Lewis if the parking area were utilized by the employees and the canopy and drive were full and traffic backed up on Lewis, after which Mr. Ryan noted that the Company had never experienced an accident created by the facilities and never had experienced traffic congestion. He advised he had viewed other facilities and felt that there would be no problems with the proposed location on Lewis.

Mr. Gardner advised, upon questioning, that this area on Lewis Avenue has been a part of a special study which includes uses such as that which is proposed; however, he pointed out that the Board should be satisfied that the location is appropriate for the proposed use.

Protests:

David Hoover, 2439 East 57th Street, submitted a protest petition and map (Exhibit "A-3"), noting that the map reflects the proximity of those residents signing the petition with the proposed location of the day care center. Mr. Hoover advised that he would take issue with Mr. Ryan's statements that the use would not create additional traffic, that additional runoff would not be created, and that property values would not be lowered.

Kay Hoover, 2439 East 57th Street, submitted a letter (Exhibit "A-4") from Mrs. Ina Vinyard of the South Lewis Homeowners Association, advising that the Association was strongly against the proposed location of the center. She further pointed out that most women in the area either stay home with their children or are career women who have no children; therefore, the area residents would not be utilizing the center.

Hobart Hammond, 2420 East 56th Place, advised that the subject property backs to his property, that he felt the children playing outdoors would create a noise problem, and felt that the property values would be lowered.

Ronald Stone, 2428 East 56th Place, advised the Board that the subject property also abuts his rear yard and that private real estate appraisers had advised him that the surrounding properties would be decreased in value if the proposed use were approved on the tract.

W. R. Blake, 5641 South Atlanta Avenue, advised the Board that the area residents who reside east of Lewis have found that it takes sometimes longer than five minutes to access onto Lewis Avenue from the side streets because of the great amount of traffic in the area. He felt that there would not be sufficient parking for the parents which would create additional traffic problems in the area. Also, Mr. Blake felt that runoff should be considered a reality even though the property in question does not flood, pointing out the hazard of the area flooding while 150 children were attending the center. In his final comments, Mr. Blake stated that there are 11 child care centers within a one-mile radius of the subject property.

Mrs. Arthur Hindle, 2530 East 57th Street, advised the Board that water does not drain from the area and that the residents have experienced problems with automobiles being flooded out at this location. She felt, also, that the use would create additional traffic congestion.

Bill McLaughlin, representing the District 18 Planning Team, pointed out that the Team had no objection to the OL zoning, but felt that the use was inappropriate on the subject property in an OL District. He expressed concern with regard to the requested variance of the sign requirement, noting that if the subject application were approved that an appeal would be filed in District Court and that the Court would be requested to hear both the appeal of the subject application and the appeal of the 71st and Braden application.

Interested Party:

R. G. Lawrence, 2405 East 57th Street, owner of the OL tract to the south of the subject property, advised the Board that he did not object to the subject application as the residence on the property is vacant and the property not maintained, feeling that the use would be an asset to the area. Mr. Lawrence advised that he enters and exits Lewis Avenue at various times during the day and does not experience the traffic congestion problems that have been stated by the protestants. He further pointed out that the east side of Lewis at 56th Street did not flood as did the west side of Lewis.

In his closing comments to the Board, Mr. Ryan advised that the design of the structure's roof is such that it will withhold water and release the water at a slow rate so as not to contribute to any water runoff problems in the area. He noted that the sign requested is 39 square feet, rather than the 50 square feet advertised, and felt that the comments with regard to traffic congestion and noise pollution were exaggerated.

Board Action:

Having nothing to do with the District 18 appeal of the application located at 71st Street and Braden Avenue,

on MOTION of SMITH, the Board (3-0) denied application 9206 in an RS-2 District on the following described tract:

A tract of land beginning 660' South of the NW corner of the NW/4 of the SW/4 of Section 32, Township 19 North, Range 13 East; thence east 300' to a point; thence north 121' to a point; thence west 300' to a point; thence south 121' to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

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, representing Frates Properties, advised that all lots contained within the subject application front East 20th Street, South 114th East Avenue or South 116th East Avenue, noting that all those properties fronting 21st Street and Garnett Road are developing as fast-food franchise operations. He pointed out that Frates Properties owns the subject property and proposes development for small business establishments that own their own structures as opposed to those who lease structures for their use. Use Unit 15 uses such as cabinet makers, drapery businesses, business

machine repair, etc. are proposed to be located in the center in buildings between 3,000 and 4,000 square feet in size which may require some storage. Mr. Johnsen advised that Use Unit 15 states that 150' of frontage is required on the arterial street; however, he pointed out he had spoken with the Staff who agreed it was not the intent of the Code that the frontage be strictly on the arterial, but that if there was frontage on the arterial street the 150' was needed for control of access points. Mr. Johnsen advised that the properties under application have access to three interior streets which have access to two major arterials. He further pointed out that utilizing Use Unit 15 uses would give the developer an opportunity to impose conditions, via covenants, in order that the development of the center would remain quality and compatible and similar in design per architectural requirements. Mr. Johnsen submitted a copy of the rough draft of the proposed protective covenants (Exhibit "B-1"), reviewing the major points for the Board's information. He also submitted a copy of the conditions which would be imposed (Exhibit "B-2"), noting that vehicular sales and rental, boat sales, kennel, bait shop, and fuel oil trade establishment would not be permitted within the center. He noted that all incidental fabricating, processing, installation and repair shall be conducted within enclosed buildings; that open air storage shall be limited to the rear 2/3 of the lot and shall be screened from adjoining properties and from public street view by the erection and maintenance of a screening fence meeting the requirements of Section 250 of the Zoning Code; that the front 10 feet of each lot, excluding access points, shall be grassed and maintained; that the aggregate display surface area of signs for each lot shall not exceed 32 square feet and ground signs shall not exceed 12 feet in height; and, architectural requirements will be met. Mr. Johnsen pointed out that the developer was attempting to achieve a trade park development, feeling that the effect of the proposed use would be less intense than that which is permitted by right in the CS District. Upon questioning, Mr. Johnsen advised that Lot 20 is located within the recently adopted moratorium and that he would have no objection to deleting that lot from the application at this time. Mr. Gardner advised the Board that the applicant is required to file an exception to the moratorium with the City prior to development being undertaken on that portion of the application located within the moratorium.

In Board discussion, Mr. Johnsen advised that there will be architectural requirements that will require a review of the development plans by Frates Properties. Upon questioning, he advised that he would rather not have the Board's approval subject to the covenants as they are only drafted at this point, after which Mr. Gardner noted that the covenants could be accepted as the intent of the applicant.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit Use Unit 15 uses, as presented, and subject to the conditions listed by the applicant (Exhibit "B-2) in a CS District on the following described tract:

Lots 3 through 6, inclusive, Block 1; Lots 4 through 13, inclusive, Block 2; Lots 3 through 20, Block 3; All within 21 Garnett Place Addition to the City of Tulsa, Oklahoma.

10.7.76:221(6)

NEW APPLICATIONS:

9217

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 6208 North Victor Avenue.

Presentation:

Lula Wilson requested permission to locate a mobile home on the subject property in order that her daughter and husband might utilize the mobile home for residential purposes, noting that she presently resides in the residential structure located on the property. Upon questioning, Mrs. Wilson advised that there is a mobile home on a lot by itself approximately one block from the subject property.

Protests:

Richard Wood, 6214 North Victor, submitted a protest petition (Exhibit "C-1") containing the signatures of 12 area residents opposed to the mobile home being located in the neighborhood. Mr. Wood advised that he rented the property to the north of the subject tract and felt that approval would be an encroachment into an established residential area as it would open the door for other such requests.

William Wood, 6213 North Utica Place, also expressed his objections to locating of the mobile home on the property as it would decrease property values in the area.

C. W. Ecker, 6207 North Utica Place, advised the Board that the mobile home would abut his property to the west, questioning how the request would be profitable as sanitary and electrical connections would be required. He opposed the application, feeling that the mobile home should be located in a mobile home park.

Bill Moss, 6155 North Utica Place, felt that the location of a mobile home in the area would decrease property values and contribute to the traffic problems in the area.

Interested Party:

James Carmack, 1726 East 62nd Street North, advised the Board that he was the only area resident who had taken the time to speak to the applicant about her proposal, feeling that the applicant's rights should be given some consideration.

Board Action:

On MOTION of BLESSING, the Board (3-0) denied application 9217 in an RS-3 District on the following described tract:

Lot 5, Block 2, McBroom Addition to the City of Tulsa, Oklahoma.

9222

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to locate a Masonic Lodge in an RM-1 District located at 1109 through 1115 East Queen Street.

10.7.76:221(7)

9222 (continued)

Presentation:

Cleo Hardin, Secretary-Treasurer of the Masonic Lodge, was present representing the applicant.

The Staff submitted a letter (Exhibit "D-1") from Sandra Alexander, representative for a property owner in the area, requesting a continuance of the application as she was being sworn in as an attorney before the Oklahoma State Supreme Court and would be unable to attend.

Protests:

Georgina Landman, attorney representing protestants in the area, advised the Board that she, too, represented the area residents and could present the opposing side of the application this date if the Board did not wish to continue the application.

Mr. Hardin advised the Board that the Lodge has no intention of depriving the area residents of their property values; therefore, he would withdraw the application because of the opposition to the requested use of the subject property. Upon questioning, Mr. Hardin advised that the Lodge had been chartered by the State and National organizations, and that it presently meets in an existing facility.

Mrs. Landman advised the Board that protest petitions had been obtained in opposition to the application, noting that the protestants would have no objection to the application being withdrawn.

Board Action:

On MOTION of SMITH, the Board (3-0) accepted the applicant's withdrawal of application 9222.

9224

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-2 District located at 1405 East 68th Street North.

Presentation:

Max Harriger requested permission to locate a 24' travel trailer on the subject property in order that his wife's parents might reside in the trailer temporarily as they require care. He noted that they have been in the process of attempting to locate his mother-in-law in a nursing home, but have not yet been able to do so.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-2 District on the following described tract:

Lot 9, Block 10, Golden Hills Addition to the City of Tulsa, Okla.

Action Requested:

Exception (Section 250.3 (b) and (c) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirement where an alternative screening will provide visual separation of uses and for an extension of time to erect a screening fence where properties which are to be benefitted by the screening are undeveloped; and a Variance (Section 1340 (d) - Design Standards for Off-Street Parking - Under the Provisions of Section 1670) to allow parking constructed of compacted gravel in a CS District located at 13151 East 11th Street.

Presentation:

C. J. Funk submitted the plot plan (Exhibit "E-1") and six photographs (Exhibit "E-2") of the subject and surrounding properties, advising that he is a partner in an electrical contracting firm and in the process of building a new shop and office on the subject property. He requested he be permitted to erect an alternative method of screening from the duplex development to the north as the chain link fence surrounding the duplex development encroaches four feet onto the subject property, thereby prohibiting the erection of a screening fence on the subject property's northern boundary line. Since the northern portion of the subject property does not have a proposed land use at this time, Mr. Funk requested that he be permitted to erect a screening fence around that portion of the property behind the structure which would contain storage materials, pointing out that the storage would then be screened from the development to the north in addition to there being a great distance between the development to the north and the proposed use and storage. With regard to the variance to permit compacted gravel on the parking area in lieu of hard surfacing, Mr. Funk noted that compacted gravel is proposed to be utilized on the parking area containing three parking spaces and the driveway on the property, since the surface in the area is hard and rocky. Mr. Funk did not feel that paved or asphalted parking for three automobiles would serve a useful purpose, as there are other businesses in the area with compacted gravel parking areas and driveways. Mr. Funk also felt that the compacted gravel would serve the same purpose as hard surfacing as it would eliminate dust that would be created by other than a hard surface.

David Pauling, Assistant City Attorney, noted that the entrances and exits to the parking areas must be hard surfaced.

Mr. Gardner suggested that the Board might consider permitting the applicant to provide an oil mat to the compacted gravel on a temporary basis until such time as the hard surfacing is provided.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 250.3 (b) and (c) - Modification of the Screening Wall or Fence Requirements) to modify the screening requirement as presented on the north where an alternative screening will provide visual separation of uses and for an extension of time to erect a screening fence on the east where properties which are to be benefitted by the screening are undeveloped until such time as the property to the east is developed; and a Variance (Section 1340 (d) - Design Standards for Off-Street Parking - Under the Provisions

9225 (continued)

of Section 1670) to allow parking constructed of compacted gravel and oil mat for a period of two years at which time the hard-surfacing requirement will be met, in a CS District, on the following described tract:

The East 132' of the South 360', LESS the North 160' of the West 52' of the E/2, SW/4, SW/4 of Section 4, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

9227

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 110' to 83' from the centerline of Memorial in a CS District located at 1143 South Memorial.

Presentation:

Lee Ford submitted the plot plan (Exhibit "F-1") and two photographs (Exhibit "F-2") of the structure proposed to be utilized as the Fotomat building, noting that a variance of the setback requirements is required in order that the structure might be located in the existing parking lot and provide adequate circulation throughout the parking area.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) 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 110' to 83' from the centerline of Memorial, per plot plan, subject to the approval being granted for this specific use only and to run with the lease by Fotomat, in a CS District, on the following described tract:

Lot 9, Block 2, Forest Acres Addition to the City of Tulsa, Okla.

9229

Action Requested:

Exception (Section 640.3 (c) - Special Exception Uses in Office Districts) to locate a beauty shop; and a Variance (Section 640.3 (a) - Special Exception Uses in Office Districts - Under the Provisions of Section 1670) for a variance of 50,000 square feet of floor space in a principal building to permit convenience goods and services in a 48,446 square foot building in an OM District located northwest of 71st Street and Yale Avenue.

Presentation:

David Sanders presented a brief history to the Board of the previous ownerships of the Copper Oaks office complex, advising that it had come to the attention of the present owner that the beauty shop which has been located in the northern office structure for 2½ years had never received approval to be located in the OM District. He advised that the owner of the shop was proposing some remodeling and it was at that point that it was determined that approval of the Board was required. He presented a plot plan

(Exhibit "G-1") of the office structures located in the Copper Oaks complex, advising that a variance of the building square footage is required in order that the shop might be permitted in the structure. He submitted a booklet of photographs (Exhibit "G-2"), pointing out that the two northern structures are connected by a walkway and considered one structure, which totals 48,446 square feet as opposed to the 50,000 square feet required by the Zoning Code. He further pointed out that the two structures were constructed as two with the connecting walkway due to the topography of the tract.

Upon questioning by the Board, Mr. Sanders advised that his clients would have no objection to entering into a tie contract whereby neither of the two structures would be sold on an individual basis, but are considered to be one structure, as it is the intent that the properties are to be considered one.

Protests: None.

Interested Party:

William McLaughlin, a Member of the District 18 Planning Team and resident in the area, advised the Board that in April, 1973 the Board granted an exception to permit a restaurant and health club in the Copper Oaks complex. Since that time the property owners and Planning Team have attempted to determine what the various actions of the Board and interpretations of the permitted uses within the Code have permitted to be located on the subject property. He pointed out that that particular issue remains unclear, noting that it is the residents' and Planning Team's understanding that the use as proposed is considered a permitted use via the Board as an exception and subject to the variance being granted; therefore, the application would not be protested.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 640.3 (c) - Special Exception Uses in Office Districts) to locate a beauty shop; and a Variance (Section 640.3 (a) - Special Exception Uses in Office Districts - Under the Provisions of Section 1670) for a variance of the 50,000 square foot requirement for floor space in a principal building to permit the approved beauty shop in a 48,446 square foot building, per plot plan, and subject to the applicant entering into a tie contract whereby the two northern structures, also known as 7010 and 7020 South Yale Avenue, are to be considered one structure and not sold on an individual basis-- the contract being approved by the City Legal Department prior to the improvements being made to the beauty shop, in an OM District, on the following described tract:

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

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts- Under the Provisions of Section 1670) for a variance of the front setback requirements from 30' to 29.4' in an RS-2 District located at 6008 East 54th Street.

9230 (continued)

Presentation:

Jimmy McMullen, the applicant, was not present. The Staff submitted the plot plan (Exhibit "H-1"), advising that a survey for resale of the property showed that a variance of the front setback was required.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the front setback requirements from 30' to 29.4', per plot plan, in an RS-2 District on the following described tract:

Lot 17, Block 3, Carter Plaza Extended Addition to the City of Tulsa, Oklahoma.

9231

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home; and a Variance (Section 340 - Special Exception Uses in the Agriculture District, Requirements - Under the Provisions of Section 1670) for a variance of the five-acre minimum for a mobile home in an AG District located southwest of 123rd Street and 25th West Avenue.

Presentation:

Thomas Dillon requested permission to locate an 8' x 40' mobile home on the subject property in order that his daughter, whose husband is working in Alaska, might reside in the mobile home on the property to be near them for security purposes. He noted that his son-in-law would be returning to Tulsa in August, 1977.

Upon questioning, Mr. Dillon advised that there is an existing perpetual access easement on South 26th West Avenue, that there is an existing rural water system, and that the existing septic system is large enough to accommodate his residence and the mobile home.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home; and a Variance (Section 340 - Special Exception Uses in the Agriculture District, Requirements - Under the Provisions of Section 1670) for a variance of the five-acre minimum for a mobile home, for a period of two years, in an AG District on the following described tract:

The West 228' of the North 479.6' of the SE/4, NW/4 of Section 34, Township 18 North, Range 12 East, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home; and a Variance (Section 340 - Special Exception Uses in the Agriculture District, Requirements - Under the Provisions of Section 1670) for a variance of the five-acre minimum for a mobile home in an AG District located north and west of 86th Street North and Yale Avenue.

Presentation:

Mrs. George Tumelson submitted a plat (Exhibit "I-1") of the subject property and requested permission to locate a mobile home on the property for her son for residential purposes, advising that he would reside on the property until such time as he constructed a permanent residence on the property. Upon questioning, she noted that the residence would be constructed within five years.

Protests: None.

Mr. Gardner advised that there are existing RMH Districts to the west and north of the subject property; therefore, mobile home use has been established in this particular area.

Board Action:

Board Member Smith abstained from discussion and would have abstained from voting because of the survey work that his firm had undertaken on the property; however, he pointed out that three "aye" votes are required to approve an application.

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 310- Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home; and a Variance (Section 340 - Special Exception Uses in the Agriculture District, Requirements - Under the Provisions of Section 1670) for a variance of the five-acre minimum for a mobile home, for a period of five years, in an AG District on the following described tract:

A tract of land located in a part of the E/2 of the SE/4 of Section 21, Township 21 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows to-wit:

Beginning at a point on the East line of the E/2, SE/4 of Section 21, Township 21 North, Range 13 East, 675.70' North of the SE corner of said Section 21, the East line of said Section 21 being described as on a due North bearing for description purposes; thence due North along the East line of said Section 21 a distance of 270.00'; thence due West a distance of 403.33'; thence due South a distance of 270.00'; thence due East a distance of 403.33' to the point of beginning and containing 108,900.00 square feet or 2.50 acres, more or less.

9234

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home; and a Variance (Section 340 - Special Exception Uses in the Agriculture District, Requirements - Under the Provisions of Section 1670) for a variance of the five-acre minimum for a mobile home in an AG District located at 13149 North 91st East Avenue.

Presentation:

Mrs. Allen Wilson requested permission to locate a second mobile home on the subject property and submitted a map (Exhibit "J-1") of the area, pointing out those properties which contain mobile homes and those which contain mobile homes and residences both. Mrs. Wilson requested the mobile home be permitted on the rear portion of the property for her husband's parents who are unable to care for themselves, pointing out that this is the only way in which she and her husband can financially help his parents.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 310- Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home; and a Variance (Section 340 - Special Exception Uses in the Agriculture District, Requirements - Under the Provisions of Section 1670) for a variance of the five-acre minimum for a mobile home, for a period of five years, in an AG District on the following described tract:

The West 616.94' of the East 1,948.32' of the South 197.80' of the North 1,939.00' of the NE/4 of Section 36, Township 22 North, Range 13 East, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, subject to a water line easement on the East 10' of the West 40' thereof, subject to 1/4 mineral reservation by prior owner. Subject to 30' roadway on the West 30' thereof.

9235

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts- Section 1205 - Community Services, Cultural and Recreational Facilities) to permit church use in an RS-2 District located at 6520 North Utica Ave.

Presentation:

Harold Smythe, representing Tulsa Congregation of Jehovah's Witnesses, submitted the plot plan (Exhibit "K-1"), requesting permission to use the subject property for church purposes in order that the existing structure which has been located on the property for 10 years, might be expanded as proposed.

Protests: None.

9235 (continued)

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to permit church use, per plot plan, in an RS-2 District on the following described tract:

That part of Lot 3, Section 6, Township 20 North, Range 13 East of the Indian Base and Meridian, situated in Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows:

Beginning 660' North of the Southeast corner of said Lot 3; thence West to the East boundary line of Block 4, Phillips Farm Addition; thence North along the East line of said Block 4, to the North line of said Lot 3, approximately 646', more or less; thence East along the North line of said Lot 3, to the northeast corner thereof; thence South along the East line of said Lot 3, approximately 646' more or less, to the point and place of beginning.

LESS and EXCEPT the following described tract: Beginning at a point on the North line of Section 6, T-20N, R-13E, which is 2,143.8' East of the Northwest corner of said Section 6, and is the intersection of the East line of the Phillips Farm Addition as shown on Plat No. 1041, Recorded No. 453,524, Tulsa County; thence South parallel to the West line of the said Section and along the East line of said Phillips Farm Addition 30' to the South boundary of the County road easement; thence continue the last described course 187.8' to an iron pin; thence East parallel to the North line of said Section 6, 200' to an iron pin; thence North parallel to the West line of said Section 6, 187.8' to the South line of the County road easement; thence continue the last described course 30' to the North line of said Section 6; thence West along said North line of said Section 6, 200' to the point of beginning, containing one (1) acre including the County road easement.

9237

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile homes) to locate a mobile home in an RS-2 District located at 1638 East 68th Street North.

Presentation:

Steven Fletcher requested permission to locate a mobile home on the subject property for residential purposes, advising that he intended to build a permanent residence on the subject property in approximately five years. Upon questioning, Mr. Fletcher advised that there are approximately 10 other mobile homes in the area.

Protests: None.

9241

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery in an RS-3 District located at 3117 East Xyler Street.

Presentation:

Howard Jones, representing Mary Burton, advised the Board that Mrs. Burton is proposing to operate a children's nursery on the subject property to accommodate 12-15 children during the summer and evenings as she drives a school bus during the school year. He noted that there would be no traffic problems as the children will be picked up and delivered each day.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery, subject to no signs being permitted, in an RS-3 District on the following described tract:

Lot 14, Block 2, Marion Terrace Addition to the City of Tulsa, Okla.

9243

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-2 District located at 5145 South Columbia Avenue.

Presentation:

Verna Rogers requested permission to locate a mobile home on the subject property in order that her mother might reside in the mobile home and might be cared for. She submitted four photographs (Exhibit "N-1") of the subject property and a petition (Exhibit "N-2") containing the signatures of 12 area property owners who have no objection to the request.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home for a period of one year, subject to the customary removal bond, in an RS-2 District on the following described tract:

The South 125' of Lot 4, Bethel Union Heights Addition to the City of Tulsa, Oklahoma.

9244

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery in an RS-3 District located at 1413 East 37th Place.

10.7.76:221(18)

Presentation:

Florence Jennings requested permission to operate a children's nursery in her home to care for 19 children in the residential structure which is located next door to her residence. She advised that the nursery would be open between the hours of 6:30 a.m. and 6:00 p.m. for the many working mothers in the area who need the service for their children. Further, she advised she had spoken with the property owners to the north and south who have no objections to the request.

Protests:

Dwayne Pollard, 1527 East 36th Place, advised the Board that the area is strictly a residential neighborhood and he felt that there were other areas in which day care centers should be located than in a residential area.

Craig Blackstock, 2210 East 34th Street, representing 108 protestants, advised that the area residents are opposed to any kind of encroachment that might be utilized to set a precedent for other nonresidential uses. He felt that the additional traffic involved would create a safety hazard in the residential area.

Mrs. Jennings advised the Board that the child care centers in the area are at capacity at present, that there is a need for additional centers in the area, and that she is presently caring for 20 children after school in her own residence. Upon questioning, the Board was advised that the child care taking place in her residence at present was approved some 13 years ago.

Board Action:

SMITH moved to approve the application, subject to no signs being permitted, subject to the approval being granted to the applicant only, and subject to the use being granted for a period of 18 months only at which time the applicant could reappear with the same request. This motion dying for the lack of a second, the Chair declared application 9244 denied in an RS-3 District on the following described tract:

The W/2 of Lot 9, Block 3, Leoki Place 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 modeling and charm school in an RS-3 District located at 1521 East 36th Street.

Presentation:

Roslyn Call requested permission to operate a charm school in her residence which she has occupied for ten years, noting that she has a full-time job and would have no more than three classes per week, each class containing four or five students between the ages of 13 and 15 years. She advised she would have no objections to being limited to three classes per week, noting she was aware of the regulations of a home occupation.

Communication: (continued)

they might construct a new residence and kennel out of the flood-prone portion of their property onto another portion of the property which would not be subject to flooding.

In Board and Staff discussion, Mr. Gardner felt that a "blanket" interpretation should not be made, but that this specific case should be decided on based on the situation. He further felt that since the existing kennel was a nonconforming use and located within a flood-prone area, that it would be appropriate to permit the relocation of the use on another portion of the same tract which would be out of the flood-prone area.

On MOTION of SMITH, the Board (3-0) determined that it would be appropriate, in this particular instance, to permit the property owner to relocate the residence and the kennel on another portion of the same tract since the use is nonconforming and to be relocated on the same tract out of the flood-prone area.

Communication:

This is a Communication (Exhibit "U-1") from Bob Gardner, TMAPC, regarding off-street parking requirements which had been requested by the Board at a previous meeting.

Mr. Gardner suggested that the Board review the communication and reserve comment for a later date.

There being no further business, the Chair declared the meeting adjourned at 6:55 p.m.

Date Approved: _____

October 21, 1976

A handwritten signature in blue ink, appearing to read "J. Summers", is written over a horizontal line.

Chairman