

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 222  
Thursday, October 21, 1976, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Guerrero, Chairman Jolly Smith (in 1:44 p.m.)	Blessing Purser, Mrs.	Edwards Gardner Jones King, Mrs.	Jenkins, Building Inspector's Office Pauling, Legal Department

Chairman Guerrero called the meeting to order at 1:44 p.m. and declared a quorum present.

MINUTES:

On MOTION of JOLLY, the Board voted (3-0) to approve the Minutes of September 16, 1976 (No. 220 and Minutes of October 7, 1976 (No. 221).

SPECIAL REQUESTS:

9258

Action Requested:

Exception (Section 1680.1 (g) - Special Exception - Off-Street Parking) for a modification of previously approved action permitting access openings on East 43rd Street, Rockford Avenue and Quaker Avenue; and to modify fence setback requirement on East 43rd Street from 45' to 35' in an RS-3 District located at 43rd Street and Peoria Avenue.

Presentation:

The Staff advised the Board that due to insufficient notice this case should be continued to the November 4, 1976 meeting.

Board Member Jolly suggested that this application be referred to the Traffic Engineering Department for their comments.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) continued application 9258 to November 4, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and directed the Staff to refer this case to the Traffic Engineering Department for their comments.

9267

Action Requested:

Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) for a variance of the setback requirements from 100' to 61' from the centerline of Yale Avenue in a CS District located at the NW corner of 41st Street and Yale Avenue.

9267 (continued)

Presentation:

The Staff advised the Board that the applicant had withdrawn this application.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) withdrew application #9267 as requested by the applicant.

UNFINISHED BUSINESS:

9172

Action Requested:

Variance (Section 207 - Street Frontage Requirements - Under the Provisions of Section 1670 - Variances) for permission to divide a tract of land into 3 lots (each being 2½ acres or more); each lot will be 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, 2930 East 51st Street, submitted a revised plot plan (Exhibit "A-1") to the Board and explained the changes that had been made. When asked for his hardship, Mr. Buffington stated that without the needed access this property could not be developed any further.

Mr. Gardner advised the Board that some assurance should be provided stating that these properties could not further be divided.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (3-0) approved a Variance (Section 207 - Street frontage Requirements - Under the Provisions of Section 1670 - Variances) for permission to divide a tract of land into 3 lots (each being 2½ acres or more); each lot will be granted, by deed, right-of-way for access along the east 30' of the tract, thus giving access to 116th Street, per the plot plan, and subject to the filing of a separate instrument that the land cannot be further subdivided in an AG District on the following described tract:

The East 300' of the W/2 of the E/2 of the NW/4 of the SE/4, of Section 34, 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) for permission to use property for university purposes in an RS-1 and an RS-3 District located South and East of 75th Street and Lewis Avenue.

10.21.76:222(2)

Presentation:

Charles Norman, attorney representing Oral Roberts University, reviewed the history of this case and previous cases concerning Oral Roberts University. He advised the Board that this application was filed in order to obtain Board approval for the north and east 165 feet for university purposes and for the use of the street right-of-ways, subject to their final vacation and closing by the City Commission for the north and east 165 feet and for the remainder of the east 40 acres. Mr. Norman stated that there is a question on whether the Board has jurisdiction in approving a use within a university campus when the university has already been given approval from a zoning standpoint. He advised that he cannot agree that the Board has the jurisdiction to approve uses within a university campus but does agree that the Board has a valid interest in how the campus is developed and its relationship with the neighboring properties. Mr. Norman explained the proposed perimeter development standards for the University campus on the north and east boundaries. Mr. Norman advised the Board that the intent of this application is to get permission to develop for university purposes without committing themselves to the Board's approval as to the appropriateness of this use in connection with an academic institution.

Board Member Jolly stated his concern in regard to the question of the Board's jurisdiction over use of this property. He feels the Board should be aware of what the University intends so that the surrounding area can be protected.

Mr. Gardner advised the Board that in granting any exception they should be satisfied that the perimeter standards being proposed and any additional standards or modifications imposed by the Board are adequate to meet the needs and concerns of the Board and the intent of the Ordinance, and that the uses will be compatible in the future.

David Pauling, Legal Department, stated that the building height intent should be clarified in the standards. Mr. Norman advised that they intended to use the Building Code for interpretation of the building height. He added that he was agreeable to additional standards if the Board felt they are necessary. Mr. Norman stated that he would not object to a continuance if the Board felt they needed more time to study the application.

Interested Party:

E. W. Crone, 7519 South Evanston, stated that he has no objections to a continuance. Mr. Crone advised the Board that he would be very interested in knowing what would be built on the property at a later time and whether a nuisance to surrounding areas would be caused.

Upon questioning by the Board, Mr. Gardner advised that besides the two options discussed: (1) public hearing on every individual request by the University, (2) no further review of any building within the area approved for university use, the Board might want to consider reviewing applications for building permits when they are within a certain distance of the perimeter boundaries where there is more concern and determine whether a public hearing is necessary.

9197 (continued)

Board Action:

On MOTION of JOLLY, the Board (3-0) continued application 9197 to November 4, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order to study the case more fully.

9242

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) 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:

The Staff advised the Board that a letter (Exhibit "B-1") from the representative of the protestants requesting a continuance due to his being out of town. The Staff also advised that the applicant had no objection to the continuance because his client was also out of town.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (3-0) continued application No. 9242 to November 4, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

NEW APPLICATIONS:

9233

Action Requested:

Exception (Section 310 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect a duplex in an RS-3 District; and Variance (Section 430 - Minor Variance - Under the Provisions of Section 1630) for a variance of the rear yard from 20' to 16' 4" in an RS-3 District located at 5523 South Quincy Ave.

Presentation:

H. L. Letzkus, 1602 East 62nd Street, submitted a plot plan (Exhibit "C-1") and presented his proposed plans to the Board. He informed the Board that there are several duplexes in the area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 310 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect a duplex; and a Variance (Section 430 - Minor Variance - Under the Provisions of Section 1630) for a variance of the rear yard from 20' to 16' 4", per the plot plan submitted, in an RS-3 District on the following described tract:

The North 110' of Lot 1, Block 3, J. E. Nichols Subdivision to the City of Tulsa, Oklahoma.

Action Requested:

Appeal (Section 1650 - Appeals From The Building Inspector) - from a decision of the Building Inspector for refusing to issue an occupancy permit and a zoning clearance permit to allow a retail plumbing shop in an RS-3 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670 - Variances) to allow a retail plumbing shop in an RS-3 District located at 2827 North Garrison Avenue.

Presentation:

Lura Bair, 2819 North Garrison, advised the Board of the history of uses that have been established on the property. Mrs. Bair submitted an affidavit (Exhibit "D-1") signed by surrounding residents stating that the property has been in commercial use since 1951. She stated that she is wanting to rent the building to Mr. Lon Spencer who intends to establish a retail plumbing shop.

The Staff advised the Board that the applicant is trying to prove that this use is a nonconforming use under Use Unit 14.

Upon questioning by the Board, Lon Spencer stated that he intends to establish a retail plumbing store, which would include sales and service.

Mr. Jenkins, Building Inspections Department, informed the Board that this has been represented as a Use Unit 14 throughout its history. He stated that plumbing sales is Use Unit 14 and would be a continuation of the nonconforming use but a plumbing shop is Use Unit 15 and would be a change of use.

The Board questioned Mr. Spencer concerning his plans for the store.

Mr. Spencer stated that he would have plumbing sales and service, which would include some repair work. He advised that his operation would be very small and he would have just one truck.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) denied the variance and upheld the decision of the Building Inspector for refusing to issue an occupancy permit and a zoning clearance permit to allow a retail plumbing shop in an RS-3 District; but determined (Section 1610 - Powers of The Board) that the use and structure are nonconforming Use Unit 14 and determined that the plumbing business described is also Use Unit 14, in an RS-3 District on the following described tract:

Lots 5 and 6, Block 7, Standard Heights Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) for a

9251 (continued)

Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to locate a double width mobile home across a lot line, for one year, bond required, in an RS-3 District on the following described tract:

Lots 18, 19 and 20, Block 11, New Taneha Addition to the City of Tulsa, Oklahoma.

9252

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 4607 North Lewis Avenue.

Presentation:

Steve Prater, 4607 North Lewis, advised the Board that he would like to locate a mobile home on his property for his parents who are retired. He stated that the mobile home would be located approximately 275' behind his home. He also pointed out that there are two other mobile homes in the area. Upon questioning by the Board, Mr. Prater stated that he has not had any problems with flooding on his property.

Mr. Gardner pointed out that the City's moratorium covers approximately the east half of the lot. He stated that the Board should require that the mobile home be placed on land not in the moratorium.

Mr. Jenkins, Building Inspections Department, advised that a building permit cannot be issued unless the applicant can prove he is not in the moratorium.

Protests:

Eva Pope, 4611 North Lewis, advised the Board that she had to get flood insurance because it is a flood area. She stated that the mobile home is already on the property and that the applicant came on her property without her permission when moving the mobile home. She stated that there were several used cars on this property.

Andrew Cummings, 4601 North Lewis, advised the Board that he has no objection to the mobile home but stated that there are no sewer connections. He stated that there are several junk autos on the property.

Lucius Trumpler, 4801 North Lewis, stated that the applicant did trespass on Mrs. Pope's property and that the property is in a flood area. He also advised that the footage on how far the trailer is from Lewis is incorrect.

Mr. Prater advised the Board that he has exactly 12 automobiles on his property and they are not junk autos. He stated that he is in the process of moving them out. Mr. Prater stated that he cannot get a sewage hook-up without the Board's approval. He advised that he did not get over 2 feet on Mrs. Pope's property.

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, subject to the automobiles being removed within 10 days, subject to the mobile home being placed on the portion of the property outside of the moratorium area, and subject to the City-County Health Department approving sewer facilities for a period of one year, bond required, in an RS-3 District on the following described tract:

Lot No. 7 of Grimes Tracts, a subdivision of the S/2 of the SW/4 of the SW/4 of Section 8, Township 20 North, Range 13 East, more particularly described as follows: A part of the S/2 of the SW/4 of the SW/4 of Section 8, Township 20 North, Range 13 East, Tulsa County, Oklahoma; beginning at a point 177.5 feet North and 40 feet East of the SW corner of said Section 8; thence North and parallel with the West line of said Section 8, a distance of 152.5 feet to a point; thence East and parallel with the South line of said Section 8, a distance of 620 feet to a point; thence South and parallel with the West line of said Section 8, a distance of 152.5 feet to a point; thence West and parallel with the South line of said Section 8, a distance of 620 feet to the point of beginning.

9253

Action Requested:

Exception - Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a child care center in an RS-3 District located at 609 East Zion Street.

Presentation:

Freddie Delores Ballard, 5660 North Utica, advised the Board that she would like to operate a child care center with a maximum of 15 children from the hours of 6:00 a.m. to 6:00 p.m.

Protests: None.

Board Action:

On MOTION of JOLLY, 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 child care center, subject to the hours of 6:00 a.m. to 6:00 p.m., and subject to no signs being placed on the property, in an RS-3 District on the following described tract:

Lot 10, Block 4, Elgindale Addition to the City of Tulsa, Okla.

9254

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 25' to 18' to permit enclosing the front porch in an RM-1 District located at 108 North Xanthus Avenue.

9254 (continued)

Presentation:

George Blair, 109 North Xanthus Avenue, advised the Board that he would like to enclose the front porch in order to keep water from coming in the house. He stated that this problem was caused when the house was first built.

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 - Variances) of the front setback requirements from 25' to 18' to permit enclosing the front porch, per plot plan, in an RM-1 District on the following described tract:

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

9256

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a truck sales and service in a CS District located at the northeast corner of Garnett and Crosstown Expressway.

Presentation:

Bob Gordon, 5206 South Harvard, submitted a plot plan (Exhibit "G-1") to the Board and advised that he would like to operate a truck sales and service, which would be in conformance with the area.

Protests: None.

Board Action:

Jolly moved for approval of Application No. 9256. This motion dying for lack of a second,

on MOTION of JOLLY, the Board (3-0) continued application No. 9256 to November 4, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9257

Action Requested:

Exception (Section 610 - Principal Uses Permitted in Commercial Districts) to sell Christmas trees during the month of December, 1976, in a CS and RM-1 District located on the SE corner of 41st and Harvard.

Presentation:

J. D. Spitzer, 9805 East 37th, advised the Board that he would like to sell Christmas trees during the month of December.

Protests: None.



9265 (continued)

requirements from 30' to 22' 4" to permit the erection of a porte-cochere, subject to the plot plan submitted, in an RS-2 District on the following described tract:

Lot 4, Block 7, Southern Hills Third Addition to the City of Tulsa, Oklahoma.

9266

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front yard requirements from 25' to 10'; and a request for a variance of the rear yard requirements from 20' to 5' in an RS-3 District located at 24 South College Avenue.

Presentation:

Louis Brayton advised the Board that they are requesting the variance due to the nonconforming size of the lot. He submitted a plot plan (Exhibit "K-1") to the Board.

Interested Parties:

An interested party advised the Board that she feels this would be an improvement for the property. Another interested party stated that he would have no objections as long as the property is kept up.

Mrs. Lillian Powell, 2919 East 1st Street, stated that the property needs to be cleaned up.

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 - Variances) of the front yard requirements from 25' to 10'; and a request for a variance of the rear yard requirements from 20' to 5', subject to the plot plan submitted, in an RS-3 District on the following described tract:

Lot 20, Block 4, University Park Addition to the City of Tulsa, Oklahoma.

9280

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the side yard requirements from 10' to 9' in an RS-2 District located at 2660 South Utica Avenue.

Presentation:

Craig Kemmerer of Design Properties, representing the applicant, submitted a plot plan (Exhibit "L-1") to the Board and presented his request.

Protests: None.

9280 (continued)

Board Action:

On MOTION of JOLLY, the Board (3-0) approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the side yard requirements from 10' to 9', subject to the plot plan submitted, in an RS-2 District on the following described tract:

Lot 23, Block 15, Terwilleger Heights Addition, an Addition to the City of Tulsa, Oklahoma.

9282

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 25' to 20' in an RS-2 District located at 6924 South Knoxville Avenue.

Presentation:

W. O. Davis submitted a plot plan (Exhibit "M-1") to the Board and advised that he would like to add on a room. He also noted that he has a private fence surrounding his property.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (3-0) approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 25' to 20', subject to the plot plan submitted, in an RS-2 District on the following described tract:

Lot 19, Block 1, Vienna Woods Addition to the City of Tulsa, Oklahoma.

There being no further business, the meeting was adjourned at 4:45 p.m.

Date Approved

Dec. 2, 1976



Chairman