

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 223
Thursday, November 4, 1976, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Guerrero, Chairman
Jolly
Purser, Mrs.
Smith (in 2:00 p.m.)

STAFF PRESENT

Edwards
Gardner
Geary, Mrs. (out 3:40 p.m.)
Jones
Smith, Mrs. (in 3:40 p.m.)

OTHERS PRESENT

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

Chairman Guerrero called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES:

Staff Member Casper Jones stated the Minutes of October 21, 1976 (No. 222) had not been completed.

UNFINISHED BUSINESS:

9242

Action Requested:

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

Presentation:

Applicant, Edward Brett, was not present. The Staff advised that the application was continued last meeting at the written request of the protestants.

Protests:

Nick Jones, 1606 First National Building, representing protestant George Owen of 1822 East 42nd Street, requested the case be dismissed due to the applicant not being present and the protestants' expenses of attorney fees continuing as this case has been continued twice previously. He noted three protestants were present and he had a protest petition signed by 40 or 50 area residents.

Board Action:

On MOTION of PURSER, the Board (3-0) moved to table the application for 30 minutes. Due to the failure of the applicant to arrive after the waiting period of the Board and this being the third time this case has been on the Board of Adjustment Agenda,

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 1670 - Variances) for a variance of the side yard

9242 (continued)

requirements from 10' to 5' in an RS-2 District; and a request for a variance of the front setback requirements from 30' to 13' 6" be stricken and the applicant be notified by the Staff via registered mail on the following described tract:

Lot 13, Block 3, Bren-Rose Addition to the City of Tulsa, Okla.

8984

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) from a decision of the Building Inspector's order to construct a screening wall or fence along lot lines in common with an R District; Exception (Section 250.3 (c) - Modification of the Screening Wall or Fence Requirements) to the screening requirement to permit the delay of installation of the screening fence along a part of the west and north boundaries until the installation of a required storm sewer and retaining wall along the north and west boundaries is completed; and Variance (Section 1213.3 (b) - Convenience Goods and Services - Under the Provisions of Section 1670) of the screening requirements until the completion of a storm sewer and retaining wall along the north and west boundaries located north and west of 61st Street and Sheridan Road.

Presentation:

Attorney Charles Norman, representing the Anderson Development Company, stated this application has been continued on two previous occasions for the purpose of installing a storm sewer along the west boundary of the shopping center. The storm sewer is completed; however, a retaining wall with a fence on the top has not been completed. He requested a continuance of this application for 60 days to enable completion of the retaining wall which is a requirement of the Building Inspector.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (3-0) continued application 8984 to December 16, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9120

Action Requested:

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

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9120 (continued)

Presentation:

The applicant, Earl Reynolds, was not present. Following questioning by the Chair, the Staff stated the applicant and protestant, George Owens, both were notified of this meeting.

Protests:

George Owens' representative stated it was the understanding of the protestant that this case was to be continued.

Board Action:

On MOTION of JOLLY, the Board (3-0) continued application 9120 to January 6, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center. The Staff was requested by the Board to write the applicant notifying him of the continuance date; and to also notify in writing the protestants and applicants of the following case numbers that their applications will be continued from November 18, 1976 to January 6, 1977, to allow the Supreme Court to make a decision involving them: 8461, 8770, 8799, 9068, 9120, and 9142.

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, located south and east of 75th Street and Lewis Avenue.

Presentation:

Attorney Charles Norman represented the applicant, Oral Roberts University. He stated this application was continued from a previous meeting to permit readvertising to include additional property and for further consideration of proposed perimeter development standards that were submitted at the earlier meeting. An additional copy of the proposed perimeter development standards which was presented (Exhibit "A-1") and was given to the Board by Mr. Norman, followed by his review of the application which was presented at the last Board meeting. He noted the applicant is asking for approval of the north 165' as well as the right-of-way of two streets being closed by the City Commission which includes property south of 75th Street on Birmingham Avenue and along 76th Street be approved for university purposes. The applicant also requests the east 165' of the 40 acres which has been previously approved for athletic purposes also be approved for general university use. It was noted by Mr. Norman that since 1962, all the buildings constructed under the original approval of the Board were submitted to the Building Inspector without being submitted to the Board on an individual basis. The applicant is requesting the same procedure be applied to the remainder of the campus which is being brought before the Board this date for approval, subject to the proposed perimeter development standards (Exhibit "A-1").

Board Member Tom Jolly pointed out Mr. Norman met with him since the last Board meeting, complying with his request, and resolved his questions regarding the development standards.

David Pauling of the Legal Department felt the addition of "above the top plate" following "exceeding 15 feet" at the end of the first sentence of the proposed perimeter development standards was needed for clarity.

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) for permission to use the property for university purposes, per plot plan (Exhibit "F-2"), submitted at meeting #220, September 16, 1976 and subject to the Perimeter Development Standards submitted, in RS-1 and RS-3 Districts on the following described tract:

The North 165' and the East 165' of the SW/4 of Section 8, Township 18 North, Range 13 East, Tulsa County, Oklahoma; and the W/2 of the W/2 of the SE/4 of Section 8, Township 18 North, Range 13 East, Tulsa County, Oklahoma; and the vacated right-of-way of South Birmingham Avenue from the South Boundary of East 75th Street South to the North Boundary of 76th Street South, created in part, by dedication in Plat of Southern Hills Estates, a subdivision of the S/2 of the NW/4 of Section 8, T-18-N, R-13-E, Tulsa County, Oklahoma, filed on August 3, 1950 and being numbered 1626. Also created, in part, by dedication in Plat of LaVelle Heights, a subdivision of the S/2 of the NW/4 of Section 8, T-18-N, R-13-E, Tulsa County, Oklahoma, filed on April 28, 1924 (subject to closing by the Board of Commissioners of the City of Tulsa and vacation by the District Court of Tulsa County, Oklahoma); and the vacated right-of-way of East 76th Street South from the Eastern Boundary of South Lewis Avenue, created by dedication on Plat of LaFelle Heights, a subdivision of the S/2 of the S/2 of the NW/4 of Section 8, T-18-N, R-13-E, filed on April 28, 1924. Enlarged by dedication on Plat No. 1626, Southern Hills Estates, filed on August 3, 1950, and Plat No. 2390 Oral Roberts University Heights, filed February 9, 1962 (subject to closing by the Board of Commissioners of the City of Tulsa and vacation by the District Court of Tulsa County, Oklahoma); and the South 430' of Lots 1, 2, 3, and 4 and the South 379' of Lots 5, 6, 7, and 8 in Block 3 of Southern Hills Estates Addition to the City of Tulsa, Tulsa County, Okla.; and Lots 3, 4, 5, 6, 7, and 8, Block 4, LaVelle Heights, a subdivision of a part of the S/2 of the NW/4 of Section 8, T-18-N, R-13-E, Tulsa County, Oklahoma; and the South 379' of the vacated right-of-way of South Delaware Avenue from the South Boundary of East 75th Street South to the North Line of the S/2 of Section 8, T-18-N, R-13-E, Tulsa County, Oklahoma, according to the recorded Plat thereof (subject to closing by the Board of Commissioners of the City of Tulsa; and Lots 13, 14, 15 and 16, Block 4, LaVelle Heights, a subdivision of a part of the S/2 of the NW/4 of Section 8, T-18-N, R-13-E, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to erect a private adolescent psychiatric hospital for approximately 30 beds in an RS-3 District, located south and west of 61st Street and Sheridan Road.

Presentation:

Attorney Burt McElroy, representing the applicant, Dillon Family and Youth Services, Inc., noted Chairman Guerrero and Board Member Jolly were absent at the last Board of Adjustment meeting and did not hear the presentation. Upon request of Chairman Guerrero, Mr. McElroy reviewed the application which was continued from the October 27, 1976 meeting (No. 222) in order for the applicant to furnish the Board with a plot plan, using this plan for further explanation. He submitted a Monograph (Exhibit "B-1") to the Board members.

Board Member Adrian Smith asked Mr. McElroy how much of the 20-acre tract in the present application the applicant intends to develop? Mr. McElroy stated the present application includes only the north and east 13 acres of the total 20-acre tract. Mr. McElroy also pointed out that only the front half of the 13-acre tract will be used for building or parking to include a single-story building of about 35,000 square feet (1st phase), with the remainder being left open for landscaped area, except for off-street parking.

It was suggested by Staff Member Bob Gardner that the Board of Adjustment approve this application as per the concept plan (Exhibit "B-2") and allow development in the shaded areas only on the plot plan (Exhibit "P-1"), submitted at meeting #221, dated October 7, 1976, stating the first phase will be in the shaded area to the north and the second phase developed in the shaded area to the south, and any additional development should be brought back before the Board for approval. He pointed out the necessity for the applicant to identify on the plot plan any signs for this project. He also stated the applicant should indicate to the Board whether or not the outside recreational facilities are to be passive or active; to which Mr. Dillon, the applicant, stated only passive recreation would be used with no lighted tennis courts, etc., outside of the building.

Protests: None.

Board Action:

On MOTION of SMITH, the Board approved (4-0), an Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to erect a private adolescent psychiatric hospital for approximately 30 beds (1st phase) as presented by the applicant and his representative, subject to the approval and filing of a subdivision plat, subject to the concept plan and building areas indicated thereon, one free standing sign along Sheridan and passive recreation only on the grounds outside of the building areas, in an RS-3 District on the following tract:

The North 15 acres, LESS the West 305' of the S/2 of the NE/4 of the NE/4 of Section 3, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

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 the Crosstown Expressway.

Presentation:

Attorney John Moyer appearing on behalf of the applicant, Bob Gordon, presented a photo of the proposed truck sales and service building (Exhibit "C-1") along with the Plot Plan (Exhibit "C-2"). He noted this application was continued from the meeting of October 21, 1976 to this date. He stated the DX Petroleum Company presently owns this property, but is in the process of selling the property to International Harvester Company. The original intent of DX was to use the site as a service station; however, the applicant is presently requesting Use Unit 17 to allow International Harvester Company to use the property for resale of used vehicles. It was pointed out by Mr. Moyer that the 1-1/3 acre tract is adjacent to the International Harvester tract which abuts on the north and east, the Crosstown Expressway is to the south of subject tract, and across the street to the west is the Holiday Inn. Screening along the north boundary of International's present property was provided by the Company between it and the County Christian Church, which was agreed upon by both. International Harvester Company plans to place a sales office in the center of the lot occupying 750 square feet and no service type of work will be on this lot.

The land adjacent to this tract was purchased by International Harvester Company last year, and the truck traffic should not cause any problem as trucks could come directly off the Crosstown Expressway onto the proposed lot. Following questioning by Mr. Smith, Attorney Moyer explained the vehicles for resale value is estimated to be \$20,000 and up, as all the equipment owned by International Harvester Company is expensive and maintain high resale value.

Protests:

Mr. Pregler stated that he was not notified of the requested exception.

Staff Member Bob Gardner stated that the applicant is requesting an exception on only the 1-1/3 acre site which is more than 300 feet from any private property. Mr. Moyer explained the protestant does not live within 300 feet of said application.

Mr. Earl Pregler, 11354 East Independence, expressed his objection to this application stating he sold the property to the north and east of said tract to International Harvester a couple of years ago. At that time, International Harvester Company agreed there would be no outside display of vehicles for two years because the area is primarily residential. He noted he owns 8 or 9 acres of the property to the east of this tract. Since a school bus goes along that street, he felt the added traffic from trucks would be dangerous for the children in the area.

Board Action:

On MOTION of JOLLY, the Board approved (4-0), an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a truck sales and service,

per plot plan and as presented, in a CS District on the following described tract:

Lot 1, Block 1, DX Heights Addition to the City of Tulsa, Okla.

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' from centerline, located at 43rd Street and Peoria Avenue in an RS-3 District.

Presentation:

Tom W. Tannehill, attorney for the applicant, John Zink Company, reviewed the past approvals by the Board of Adjustment regarding the property of the above referenced applicant. Using Site Plans (Exhibits "D-1" and "D-2"), he pointed out the John Zink Company is merely requesting a modification of a previously approved plan by the Board of Adjustment. It was stated by Attorney Tannehill that employees need additional parking and access to the plant, and some employees are forced to park across the street from the Company parking at Horner's Grocery Store parking lot.

Upon request of Chairman Guerrero, Staff Member Bob Gardner reviewed the past Board of Adjustment actions on the applicant's property. He stated the present request of the John Zink Company is for access openings to 43rd Street, Rockford Avenue, and Quaker Avenue, and for moving of the screening fence on 43rd Street closer to the property line. Mr. Tannehill has readvertised that portion of the application to place the fence on the property line. At present the advertising is to place the fence on the north property line within 35', which will be 10' from the north property line. It was pointed out by Mr. Gardner that the two additional parking lots were also under application. These two lots are adjacent to 43rd Street on a curve extending to 42nd Place.

He further explained that Lot 16 is not under application, and that all the lots east of Lot 16 were previously approved for parking. Mr. Gardner noted that Quaker Avenue has been vacated to 44th Street. He felt it was unnecessary to orally review the previous applications which the Board approved on said property since the Board had a printed copy of all that information before them at this time. Since the applicant has filed another application requesting that the screening fence be moved to the north property line, he does not want the Board to act on that part of the proposal today but merely act on the access question and the off-street parking request on the two additional lots.

The Board previously had not permitted any access to 43rd Street, Rockford Avenue, or Quaker Avenue except for fire lane or emergency purposes. The plot plan previously approved permitted access internally within the Company parking lot going back onto Peoria Avenue. Mr. Gardner stated part of the previous approval of John Zink Company's plot plan was the removal of some of the buildings owned by the Company to make access onto Peoria Avenue. Since these buildings have not been removed to date,

the employees are unable to reach Peoria Avenue from the north Company parking lots without driving to 43rd Street. Mr. Tannehill requested Mr. Gardner find the Minutes showing the statement of the Company's representative to remove Company buildings for access on Peoria Avenue. Mr. Gardner then reviewed the first plot plan presented to the Board which showed internal access which led to Peoria Avenue. The applicant was requested to submit to the Board at a later date a detailed plot plan, which was also presented by Mr. Gardner, that designated the removal of a portion of the Company's buildings in order to gain access to Peoria Avenue.

Board Member Adrian Smith questioned Mr. Gardner as to how many access points exist from the Company parking lot onto Peoria Avenue, to which he answered there are three curb cuts along Peoria Avenue. He mentioned he was not sure how many of these curb cuts function presently; and that the internal traffic inside the parking lot is restricted because of the location of the present buildings. It was pointed out by Mr. Gardner that the original approval of a 25' fence setback on the northern property, per plot plan, was made previous to the Company purchasing additional properties along 43rd Street.

Board Member Mrs. Purser questioned Attorney Tannehill as to the number of parking spaces being requested, to which he answered 478; 400 for the office employees with a total of 600 employees. He explained the Company has two shifts of employees presently working at the plant. Area 5 presently contains 130 parking spaces. Board Member Purser also questioned Mr. Tannehill as to what access was presented to the Board of Adjustment at the time the parking on Area 5 was granted.

Protests:

John Sublett, represented Mr. and Mrs. Watson, who own property adjoining on the right of the property Mr. Tannehill shows on his map as area #6. He pointed out the poor location of the John Zink Company being in the middle of the "restless ribbon" of traffic on Peoria Avenue, and explained the concern of the residents in this area to maintain their homes.

Mr. Sublett pointed out that the Board had denied access on 43rd Street, Rockford and Quaker Avenues in the past, and the residents in this neighborhood still oppose such action. He felt the livability of this single-family neighborhood would be destroyed if access into it from the John Zink Company employees was approved. Mr. and Mrs. Watson strongly objected to the employees parking their cars on the residential streets.

Letters of protest was presented by Staff Member Casper Jones from Dr. W. C. Pratt, Mr. & Mrs. Steven R. Postier and Mr. Sherman Singleton (Exhibit "D-3").

Following a request by the Board Mr. Gardner read the memorandum (Exhibit "D-4") written by the Traffic Engineer, William H. Thomas. Mr. Thomas stated in the memorandum the inability for this single-family residential area to handle the excessive traffic which would occur during shift changes of employees of the John Zink Company, and felt a more satisfactory solution would be to redesign the parking facility and make additional access to Peoria Avenue.

Mr. Watson expressed his concern that the three exits from the John Zink Company would route employees through residential areas. He stated that South St. Louis Avenue experiences at least one accident a week at the corner of his residence. It was also brought to the Board's attention by Mr. Watson that part of the parking spaces designated by the John Zink Company on their plot plan are presently being used for storage.

Willis A. Allen, 1343 East 43rd Street, stated he has lived at this residence for 26 years; and that 43rd Street does not go through, it opens onto 42nd Place. He stated he protests the applicant's request for access from the Company parking lot onto 43rd Street because it circles into 42nd Street; therefore, it is not a through street, it is in a single-family neighborhood, also school children use 43rd Street to walk home.

I. W. Moreland, 4231 South Rockford, stated that Pennington's employees park on 43rd Street; therefore opening an access onto that street from the Company parking lot would make traffic flow slowly. He felt the use of the area within the Company screening fence for storage of materials instead of parking (as originally stated by the applicant at the first hearing) was illegal. Mr. Moreland also noted the Company's representative stated the Company could live with their present situation for five years, and it has only been one year since their former request to increase the parking facilities out of the screened-in area. He pointed out the Company employees have been parking across Peoria Avenue, not in the designated parking lot. The trees drawn on the original plot plan are planted about 20' apart, and the shrubs on the north also have not been planted yet.

Dorothy Watson, 1326 East 43rd Street homeowner, stated she no longer lives in this residence; however, she did not want to move, as she had stated at a previous hearing. The Petition of protestants from 5 or 6 hearings ago is still on file at the Board of Adjustment office. She requested the Board give consideration to said Petition and to the elderly couple who reside across the street from her rent house, the McDonalds, as they are not able to move from their residence. She suggested an off-duty policeman be used during shift changes of the Company to stop traffic on Peoria Avenue to enable employees to enter and exit the Company parking lot. Mrs. Watson stated she had visited the Fire Marshall's office, the Traffic Engineer's office, and the Board of Adjustment's office, and it was suggested to her that this was not a good idea. She noted the trees which the Company planted are very small, and that changes in the neighborhood were caused by the construction of this Company.

George Matson, 4424 South Quaker, stated one of the requested accesses of the Company would be directly in front of his home. He noted his home was on the real estate market for nine months and no one bid on his property because the parking and traffic problems in his area are well known by citizens of Tulsa.

Glenn Winn, representative of District 6 Vision 2000, expressed the feeling of District 6 that the applicant's requested accesses do not meet with the guidelines. They also disapprove of any additional

parking on requested lots until a screening fence is surrounding it. He also noted there are some objections to the screening fence being moved closer to the street.

Following hearing of the protestants, Mr. Tannehill noted the Petition by protestants was prepared 4 or 5 years ago, and felt if the people who signed said Petition were strongly opposed to the applicant's request, they would be present today. He pointed out the Company had attempted to purchase the Watson property (Lot 16) but agreement of a price has not been reached. Mr. Tannehill stated the Board has the power to restrict parking to specific areas, and limit access onto streets to specific times, as well as designating directions of turning. It was noted by Mr. Tannehill that only 35 new parking spaces would be accommodated on the requested 2 lots, and he felt the parking area within the screening fence has not changed drastically since the original plot plan was presented to the Board.

Interested Parties:

W. R. Jones, 7879 East Marshall Street, stated he has worked for John Zink Company for approximately 6 years. Prior to closing of the Quaker Avenue and Rockford Avenue exits, the employees could clear the Company parking lot within 10 minutes. Presently, the bottleneck of traffic in said parking lot causes some employees to park outside of this lot. He feels the employees are careful drivers and would not endanger the lives of the children in the neighborhood; and that the emptying of the Company parking lot would take a minimum amount of time if access was approved as requested by the applicant.

Charolette Hyle, night-shift employee, stated the difficulty of employees attempting to enter Peoria Avenue at 12:30 a.m., as the traffic caused by teenagers is hazardous and she has waited 10 to 15 minutes for a break in the traffic to enter this street from the Company parking lot. She requested the Board to assist the employees with additional access points from the Company parking lot.

Jerry Bates, residing north and east of Wagoner, Oklahoma, stated he has been employed by the applicant for 14 years. He felt an exit from the Company parking lot at 43rd Street would help alleviate the congestion of the employees at the parking lot exit.

Allen Brock, a John Zink Company employee for 15 months, mentioned the problem he has trying to enter Peoria Avenue from the Company parking lot and watch out for school children walking on Peoria Avenue at the same time.

Warren Berry, owner of Horner's Food Store, stated that a number of Zink Company employees are parking in his lot across the street from the Company because of the bottleneck of traffic from the Company parking lot exiting onto Peoria Avenue. He stated that some 69 cars exit on Peoria Avenue from the Company parking lot within 45 minutes during shift changes.

Peggy Smith, 1505 East 44th Street, expressed her difficulty in attempting to enter Peoria Avenue from the Company parking lot.

Action Requested:

Variance (Section 207 - Street Frontage Requirement - Under the Provisions of Section 1670 - Variances) for a variance of the frontage requirements on a public street or dedicated right-of-way on property located at 9150 North Birmingham Avenue.

Presentation:

Bob Lowery stated a continuance was granted in order for him to satisfy the Board of Adjustment that he had access to his property and he presented a Site Map (Exhibit "E-1"). David Pauling, Legal Department, said on the surface the property appears to be landlocked and denial of the variance certainly would prohibit use of the property. Mr. Gardner noted the property has been advertised for a variance, Section 207, which requires frontage on a dedicated street. The Board of Adjustment should be satisfied that the applicant now has legal access to his property. Don Hallock, County Inspector, presented an aerial photograph (Exhibit "E-2"), showing the existing road which the public has used for 30 years and the County has maintained and will continue to maintain.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted unanimously (4-0) to approve a Variance (Section 207 - Street Frontage Requirement - Under the Provisions of Section 1670 - Variances) waiving the frontage requirement on a dedicated street based on the County Building Inspector's representation that the property did abut a street which has been used by the public for 30 years and the County has accepted maintenance on the following described tract:

NE/4, SW/4, NW/4, LESS and EXCEPT the North 29' of the West 494.8' in Section 20, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

NEW APPLICATIONS:Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District, and a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) for a variance of the frontage and square footage requirements in an AG District located north of 126th Street North and west of 135th East Avenue.

Presentation:

Jack Kennedy, 126th Street North and 135th East Avenue, stated he lived in a double-wide mobile home on his property and was requesting another mobile home be permitted on this 3-3/4 acre tract. During discussion, it was brought out that there are mobile homes in the area and they were there before zoning control began. Mr. Gardner

9228 (continued)

stated when the County passed the resolution allowing "wildcat" subdivisions to develop, the intent was to permit one dwelling per lot. The Board stated the item had been referred to the City of Collinsville and they had no comment. Five photographs (Exhibit "F-1") were presented.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board voted unanimously (4-0) to approve for five (5) years an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate a mobile home in an AG District; and a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670 - Variances) for a variance of the frontage and square footage requirements in an AG District on the following described tract:

South 188.68' of the North 566.4' of the W/2, E/2, SW/4, of Section 33, Township 22 North, Range 14 East, Tulsa County, Oklahoma.

9268

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) for permission to erect duplexes in an RS-3 District located north and east of 89th East Avenue and 61st Street.

Presentation:

Lynn Burrow, engineer, representing the Carter Corporation, presented a plot plan (Exhibit "G-1") stating the applicant proposed duplex use in an RS-3 District and the Planning Commission granted final approval of the Woodland View South Plat. In Woodland View Court, the developer wants duplexes in the \$40,000 to \$75,000 range, the area is zoned RS-3 and an exception is needed to allow duplexes. Upon questioning by Board Member Smith, Mr. Burrow indicated there would be a total of 8 units. Mr. Gardner indicated there were no problems from a planning viewpoint.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board of Adjustment voted unanimously (4-0) to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) for permission to erect duplexes in an RS-3 District, per plat, on the following described tract:

A portion of Section 36, Township 19 North, Range 13 East of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows:

9268 (continued)

Beginning at a point in the South line of said Section 36, said point being 1,843.20' West of the Southeast corner of said Section 36; thence North $00^{\circ}-04'-22''$ West, a distance of 209.00' to a point; thence South $89^{\circ}-59'-40''$ West, a distance of 135.99' to a point; thence North $63^{\circ}-29'-00''$ West, a distance of 203.79' to a point; thence South $89^{\circ}-59'-40''$ West, a distance of 81.12' to a point; thence South $00^{\circ}-05'-54''$ East, a distance of 300.00' to a point in the South line of said Section 36; thence North $89^{\circ}-59'-40''$ East along the South line of said Section 36, a distance of 399.20' to the point of beginning, said described tract containing 2.28 acres more or less.

9269

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) for permission to erect duplexes in an RS-3 District located north and east of 61st Street and 87th East Avenue.

Presentation:

Lynn Burrow, engineer, representing the Carter Corporation, requested an exception for duplexes and presented a plot plan (Exhibit "H-1"). Mr. Gardner stated there were no problems with duplexes as a use as far as the Staff was concerned, the area to the west is zoned CS; and duplexes would be an appropriate buffer between commercial and single-family residential. However, he pointed out three areas of concern: 1. The northwest lot is next to an existing single-family; 2. One lot not under application for duplex is vacant across from an AG tract and is more appropriate for a duplex; and 3. Four lots located in the cul-de-sac on 60th Street could present a problem if the single-family houses to the east do not back to the proposed duplexes. Board Member Purser questioned as to how a division could be made on the northernmost lot and Board Member Smith asked if the Carter Corporation owned the land east of the four-lot cul-de-sac? Mr. Burrow said the Carter Corporation also owned the land to the west and that it was being subdivided and was under construction; and concerning the northwest lot, he said it would be possible to erect a screening fence or build a single-family house on that lot. He also stated in the justification of oversized lots, they would accommodate the Public Service Company easement.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted unanimously (4-0) to approve, with exception of Lot 1, Block 3, the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) for permission to erect duplexes in an RS-3 District on the following described tract:

A portion of Section 36, Township 19 North, Range 13 East of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, more particularly described as follows: