

BOARD OF ADJUSTMENT  
MINUTES (No. 224)  
Thursday, November 18, 1976, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Blessing Guerrero, Chairman Purser Smith	Jolly	Alberty (in 2:45 p.m.) Edwards Gardner (out 2:45 p.m.) Jones Smith, Mrs.	Jenkins, Building Inspector Pauling, Legal Department

The Chair called the meeting to order at 1:30 p.m. and declared a quorum present.

MINUTES:

TMAPC Staff Member Casper Jones advised there were no minutes for approval.

UNFINISHED BUSINESS:

6926

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts) to permit using existing church building for YWCA use, on a tract located at 8145 East 17th Street.

Presentation:

Don Hammer, attorney, 1300 National Bank of Tulsa Building, representing the YWCA was present and indicated Mrs. Mary Espey, YWCA President, and Mrs. Wiseman, YWCA Board Member, were also present. Mr. Hammer presented a copy of the Plot Plan from January 1971 (Exhibit "A-1"), showing the pool, parking lots, two ball diamonds/soccer field, noting the east ball diamond was not lighted and in November of this year the lighting was rearranged so both the east and west ball diamonds were lighted. He stated these were heavily used facilities by both girls and women and nighttime use was necessary to permit working women the opportunity to utilize these facilities. When complaints were received by the YWCA concerning the nighttime lighting and noise and at the time when the 2nd ball diamond was to be lighted, Mr. Hammer contacted the TMAPC Staff and they recommended he contact the contractors and obtain the necessary permits. The YWCA then moved or adjusted some of the lighting and installed the new lights on the east ball diamond. Mr. Hammer stated the YWCA does not want to be an irritant to the neighborhood and thought they were using the property in accordance with the approved Plan. He also said the electric company will readjust any lights necessary to reduce the glare on the neighborhood homes. He presented to the Board a set of written rules (Exhibit "A-2") for the use of the facility and noted the first game is to be stopped at 8:00 p.m. and the second game was due to stop at 10:00 p.m., but there were times when games ran over the time limit and the umpires and coaches wanted to complete their games. Mr. Hammer stated on the Plot Plan the lights

were indicated by a circle, are already installed, and each field's lights were independently controlled. He also noted the YWCA had requested the City to put up "No Parking" signs in front of the residences to prohibit YWCA participants from parking in front of the area residences.

Board Member Purser noted the neighbors had complained several years ago when the first set of lights were installed on the west ball diamond but when the neighborhood was assured there would be no more lights installed, they dropped their complaint. When the west ball diamond lights were installed several years ago, the neighborhood contacted the YWCA and were told the neighborhood would be contacted if any additional lighting was to be installed. Upon questioning by Chairman Guerrero, TMAPC Staff Member Bob Gardner stated recreation purposes are related to churches and when a plot plan is submitted, the applicant is bound by that. He noted the Board of Adjustment letter to the YWCA (Exhibit "A-3") and stated the original Plot Plan does not show any lighting and does not show the west ball diamond. Mr. Hammer pointed out that at the north end of the east ball diamond there are sodium vapor lights on the property of an area resident, making it a well lighted area.

Protests:

Ralph Moore, 8502 East 17th Street, stated he is not against the YWCA but objects to the lights shining late at night and the noise associated with the nighttime games. He feels as though the lights are on much later than the 10:00 p.m. cutoff time many nights throughout the summer months.

Frances Moore, 8503 East 17th Street, stated she had reported their complaint to Mrs. Teel, Executive Director of the YWCA, on November 3, 1976, and tried to arrange a meeting between the YWCA and the area residents to resolve the problem of the lights and the noise and the traffic associated with the ball games. No meeting could be arranged so a YWCA representative went to the individual homes and talked with the residents. Upon questioning by Board Member Blessing, Mrs. Moore indicated that 10:00 p.m. would be an acceptable time to turn out the lights if only the YWCA would adhere to that provision.

Loretta Endres, 8502 East 16th Street, indicated she was not aware of any ball diamond lights being rearranged; they still bothered her many evenings late into the night. She then reiterated her statement concerning the lighting being first installed in May, 1975, and her communication with Mrs. Sooten of the YWCA at that time. She asked why the ball teams couldn't play during the daylight hours and also objected to the "No Parking" signs along their street.

Monte Wise, owner of Wise Electric Company, stated his Company installs 75% of all outdoor lighting in Tulsa and would be glad at any time to adjust every light he installed for the YWCA so as to alleviate the irritant to the neighborhood. He indicated the east ball diamond's lights were installed 2 or 3 weeks ago and would not be turned on until late next spring or early summer. Board Member Smith questioned Mr. Wise if he had been back to the YWCA to adjust any lights since the original installation and Mr. Wise replied they had not and the only adjustment they had made was to provide for lighting for soccer games.

Opal Ritchie, 8191 East 16th Street, stated the lights from the west diamond shone into her home late at night and the noise kept her awake. She added she approves of the YWCA and its purpose in the community.

Mr. Hammer's response to the protests was the YWCA will do all it can to undertake to enforce the rules on the ball diamonds. He noted that Mrs. Sooten does not set policies for the YWCA as an employee. Upon questioning by the Chair, Mr. Hammer stated that Mrs. Espey had gone into the neighborhood and met with the residents individually. Board Member Purser pointed out that Mrs. Sooten had no authority to speak on behalf of the YWCA but the area residents were not aware of that fact until after the second set of lights were installed. Mrs. Espey stated the women's softball program is in effect from mid-April until July four nights a week and she will see that the policy of turning off the lights by 10:00 p.m. is enforced. She was asked why the games could not be started at 5:00 p.m. rather than at 6:00 p.m. and she stated the women do not get off work until 5:00 p.m. The Chair read a letter (Exhibit "A-4") from Wendy Teel, Executive Director of the YWCA in Tulsa, requesting a delay on this hearing until she could be present. Mr. Hammer and Mrs. Espey felt they could handle the matter with the Board of Adjustment and that it was not imperative that Mrs. Teel be present. Board Member Purser suggested a compromise in that the west diamond be used for late games and the east diamond be used for early games. Mr. Hammer indicated the YWCA would abide by any reasonable suggestion. David Pauling, Legal Department, noted to the electric contractor that the Zoning Code states any person changing any lighting must obtain a zoning clearance permit. Mr. Hammer also noted the problem of turning the lights off after the games are finished and suggested installing a small light on the field so the last persons on the field could see enough to pick up their equipment and leave the area safely. Mr. Gardner stated the Board of Adjustment needs to look at this problem as it presently stands; the lights are in place; and possibly the Board could accept a new plot plan and make some conditions which would alleviate the problem. He noted that the January 1971 Plot Plan does not indicate any lighting and thought probably the Board of Adjustment several years ago had not asked the YWCA about lighting when the original case was presented. The members of the Board decided to accept a new Plot Plan; instructed the YWCA staff to contact their electrical contractor and have both ball field's lights adjusted and shielded; and asked the YWCA to file a written report for the Board when his problem is solved. Mr. Hammer noted no additional lights are contemplated with the exception of a small light to insure safety on the fields after the large game lights are turned off. He also stated if the neighborhood wanted to contact the YWCA they should speak with Wendy Teel at the Central YWCA and any problems would be taken up with the YWCA Board of Directors who meet monthly.

Board Action:

On MOTION of PURSER, the Board voted unanimously to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts) to allow the lights to remain at the YWCA with the following conditions: (1) The east ball diamond shall have an automatic shut-off for 9:00 p.m.; (2) the west ball diamond shall have an automatic shut-off for 10:00 p.m.; and (3) a smaller light shall be installed on the west

6926 (continued)

diamond field for safety and be shut off when the field is cleared on the following described tract:

Lot 3, Block 1, John Calvin Addition and the S/2 of Lots 1 and 2, Block 4, O'Connor Park Addition to the City of Tulsa, Okla.

Continued Applications:

8461

Description: Lee Roy Dunn - Lot 1, Block 3, Wistdale Addition - 912 West 24th Street (63).

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously to continue this application until January 6, 1977 pending a State Supreme Court decision; and

8770

Description: L. A. Helms - Lots 1 and 22, part of Lots 2 and 11, Acme Acres Addition - 3920 East Pine Street (121).

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously to continue this application until January 6, 1977 pending a State Supreme Court decision; and

8799

Description: James Davidson - Lots 18 and 19, Block 2, Home Gardens Addition - 4320 West 8th Street (203).

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously to continue this application until January 6, 1977 pending a State Supreme Court decision; and

9068

Description: Stephen Booth - Lot 2, Block 21, Woodland Park Addition - 3816 North 78th East Avenue (528).

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously to continue this application until January 6, 1977, pending a State Supreme Court decision; and

9120

Description: Earl Reynolds - Part of Block 8, Frisco Addition - 123 North Peoria Avenue (46).

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously to continue this application until January 6, 1977 pending a State Supreme Court decision; and

NEW APPLICATIONS:

9290

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate two mobile homes in an AG District located at the NE corner of 96th Street North and Lewis Avenue.

Presentation:

Glen Beck, the applicant, wants to place two trailers on his 20-acre tract of vacant land. He stated the mobile homes are not for rent; they are for his family and daughter. Mr. Beck stated there are other mobile homes in the area and one across the street. Upon questioning, Mr. Beck said the mobile homes would be located in the northwest corner of the property; beginning 200' north of 96th Street and 100' west of the east line of the property.

Protests: None.

Board Action:

On MOTION of PURSER, the Board voted unanimously to grant an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) for permission to locate two mobile homes in an AG District for a period of seven (7) years on the following described tract:

W/2, SW/4, SW/4, of Section 17, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

9291

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 5' to 3'-3" in an RS District located at 2623 South Quincy Avenue.

Presentation:

Archie Love, applicant, wants to finish and remodel a home for his client, Mrs. Jones. He stated the existing house extended 1'-9" into the required side yard on the property.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted unanimously to approve a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) varying the side yard requirements from 5' to 3'-3" per the Plot Plan in an RS-3 District on the following described tract:

Lot 1, Block 3, Martin Roll Addition to the City of Tulsa, Okla.

9292

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a home beauty shop in an RS-3 District located at 3127 South Louisville Avenue.

Presentation:

Mary Welch, applicant, stated she wanted to operate a beauty shop in her home and said there would be no more than 5 people there per day since this would be part time work only. She stated she had a double car driveway which would accommodate 3 cars at a time. She was reminded by the Board that there were to be no signs advertising her business, no mechanical equipment to cause noise, and no exterior alterations made to her home for this beauty shop.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board of Adjustment voted unanimously to approve an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a home beauty shop with the conditions that the hours of operation be from 8:00 a.m. to 4:00 p.m. and this be restricted to this application only in an RS-3 District on the following described tract:

The South 60' of the North 180' of the West 140' of Tract 5, Albert Pike Addition to the City of Tulsa, Oklahoma.

9293

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a home beauty shop in an RS-3 District located at 4145 North 95th East Avenue.

Presentation:

Lois Bauders, applicant, stated she wanted to operate a beauty shop part time in her home from the hours of 3:00 p.m. to 9:00 p.m., 5 days per week since she works from 9:00 a.m. to 3:00 p.m. in a beauty school. Upon questioning, Mrs. Bauders stated she had a single driveway to accommodate parking; she would have no assistant and would handle only 2 persons at a time; and the neighbors had agreed to this beauty shop operation. The Chair reminded the applicant of the restrictions of no signs, no mechanical equipment and no exterior alterations to the property.

Protests: None.

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) for permission to operate a home beauty shop from the hours of 3:00 p.m. to 9:00 p.m., for this applicant only; and if she opens her beauty shop before 3:00 p.m.

11.18.76:224(7)

9296 (continued)

Board Action:

On MOTION of SMITH, the Board voted unanimously to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate a day care center in an RS-3 District with the following conditions that no signs be permitted on the premises and the hours of operation being from 7:00 a.m. until 12:00 midnight on the following described tract:

Lot 24, Block 4, Morley Addition to the City of Tulsa, Oklahoma.

9297

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for a variance of the front yard setback requirements from 25' to 10' to permit the erection of a porte-cochere in an RS-3 District located at 5459 North Hartford Place.

Presentation:

James Page, Jr., applicant, stated he wished to build a porte-cochere on the side of his home for his car because his garage was converted to living quarters for his expanding family. He stated he had submitted a plot plan to someone but could not remember who; after a search, no plan could be found. His hardship is an irregularly shaped lot which was illustrated on the blackboard and discussion followed as to what Mr. Page intended to do with his property.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted unanimously (3-0) (Blessing out during this vote) to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) varying the front yard setback requirements from 25' to 10' to permit the erection of a porte-cochere in an RS-3 District as presented on the following described tract:

Lot 11, Block 49, Valley View Acres Third Addition to the City of Tulsa, Oklahoma.

9298

Action Requested:

1. Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a variance of the 50' setback requirements from the centerline of Peoria to permit a 1' overhang of a pole sign located at 5204 South Peoria Avenue; and a
2. Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a variance of the 50' setback requirements from the centerline of Harvard Avenue to permit a 3' overhang of a pole sign located at 2208 North Harvard Avenue; and a
3. Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a variance of the

- 50' setback requirements from the centerline of Sheridan Road to permit a 2' 6" overhang of a pole sign located at 711 South Sheridan Road; and a
4. Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a variance of the 50' setback requirements from the centerline of Lewis Avenue and from the centerline of 46th Street North to permit a 1' 6" overhang of a pole sign located at 4604 North Lewis Avenue; and a
  5. Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a variance of the 50' setback requirements from the centerline of Charles Page Boulevard to permit a sign 23' 4" over the setback located at 4504 Charles Page Boulevard; and a
  6. Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a variance of the 50' setback requirements from the centerline of Pine Street to permit a 1' 6" overhang on a pole sign located at 3114 East Pine; and a
  7. Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a variance of the 50' setback requirements from the centerline of 11th Street to permit a pole sign 19' 6" over the setback located at 3222 East 11th Street; and a
  8. Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a variance of the 30' setback requirements from the centerline of West 42nd Place to permit a 3' overhang of a pole sign located at 3308 West 42nd Place; and a
  9. Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a variance of the setback requirements from the centerline of Admiral Place from 50' to 40' to permit the erection of a pole sign located at 3959 East Admiral Place; and a
  10. Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a variance of the setback requirements from the centerline of Apache Street from 50' to 46' to permit the erection of a pole sign located at 1532-A East Apache
  11. Street; and a Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a variance of the setback requirements from 40' to 26.4' from the centerline of Main Street to permit a pole sign located at 1517 South Main; and
  12. a Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a variance of the 50' setback requirements from the centerline of 51st Street to permit a pole sign with a 1' 6" overhang located at 5099 East 51st Street; and a
  13. Variance (Section 280 - Structure Setbacks from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a variance of the 50' setback requirements from the centerline of Mingo Road to permit a 2' 6" overhang of a pole sign located at 4666 South Mingo Road.

Presentation:

Robert Tipps, representing the Quik Trip Corporation, stated his corporation wanted to change the Quik Trip signs to newer, more modern ones which would have a nicer sign in each neighborhood. These signs would provide more lighting for the store which they consider a safety factor -- they would provide constant lighting, not flashing. It was noted this was a minor variance and no notice was sent out to the public. Mr. Tipps gave a photograph (Exhibit "C-1") to the Board as an example of the new signs.



Protests: None.

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously to grant the above requested Variances (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) to permit signs within the planned major street right-of-way per the condition that the customary removal contract be approved by the City of Tulsa and that no flashing signs be permitted and the lighting is constant on the following described tracts:

1. 5204 South Peoria Avenue - The North 140' of Lot 1, Block 1, Riverview Village Second Addition to the City of Tulsa, Oklahoma.
2. 2208 North Harvard Avenue - The East 125' of the South 96' of Lot 2, Block 3, Becky Gaile Addition to the City of Tulsa, Oklahoma.
3. 711 South Sheridan Road - Lots 10 and 11, Block 20, Sheridan Hills Addition to the City of Tulsa, Oklahoma.
4. 4604 North Lewis Avenue - The West 125' of the East 140' of the North 150' of Lot 8, Block 1, North Highland Acres Addition to Tulsa County, Oklahoma.
5. 4504 Charles Page Boulevard - The North 150' of Lots 23, 24 and 25, Block 1, Rayburn's Subdivision to the City of Tulsa, Oklahoma.
6. 3114 East Pine Street - The North 110' of the North 450' of the East 330' of the NW/4, NE/4, NE/4, of Section 32, Township 20 North, Range 13 East, Tulsa County, Oklahoma.
7. 3222 East 11th Street - Lots 2 and 3, Block 2, East Lawn Addition to the City of Tulsa, Oklahoma.
8. 3308 West 42nd Place - Lot 1, Block 24, Yargee Addition to the City of Tulsa, Oklahoma.
9. 3959 East Admiral Place - Lots 27, 28, & 29, Block 2, Federal Heights Addition to the City of Tulsa, Oklahoma.
10. 1532 "A" East Apache Street - Lot 1, Block 2, College Inn Addition to the City of Tulsa, Oklahoma.
11. 1517 South Main Street - Lots 4 and 5, Block 1, Stansbery Addition to the City of Tulsa, Oklahoma.
12. 5099 East 51st Street - The South 150' of Lots 5 & 6, Block 4, Berkley Subdivision to the City of Tulsa, Oklahoma; the South 150' of the East 324.50' of the North 298.59' of the South 298.59' of the South 338.59' of the W/2, W/2, SW/4, of Section 27, Township 19 North, Range 13 East, Tulsa County, Oklahoma.
13. 4666 South Mingo Road - Lot 2, Block 1, Regency Industrial Addition to the City of Tulsa, Oklahoma.

9299

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 located at 5520 East 34th Street North.

Presentation:

Elbert Reynolds, applicant, stated he wanted to put a mobile home on his 5-acre tract and rent it to a friend. His own residence is on the acreage and there are other mobile homes in the area.

Protests: None.

Board Action:

On MOTION of PURSER, the Board voted unanimously to grant 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 for a period of seven (7) years on the following described tract:

W/2, SE/4, NE/4, NW/4 of Section 22, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

9300

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for an exception to construct an elementary school in an RS-3 District located north and west of 41st Street and 101st East Ave.

Presentation:

Bob Yeaden, architect representing the applicant, was present and stated the plans had been submitted for the streets and storm sewer system. Upon questioning, Mr. Yeaden stated he did not know if the public street dedication had taken place. He also presented a letter (Exhibit "D-1") from the Engineering Department stating the clearance had been received on the flood moratorium.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board of Adjustment voted 3-0-1 (with Smith "abstaining") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for an exception to construct an elementary school in an RS-3 District, per the plot plan submitted on the following described tract:

Commencing at the SW corner of Section 19, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma; thence North  $89^{\circ}-54'-02''$  East a distance of 1,263.43' along the South section line of Section 19; thence due North 1,739.62' to the point of beginning; thence due North 551.53'; thence due East 674.85'; thence South  $7^{\circ}-20'-06''$  East a distance of 509.47'; thence South

11.18.76:224(13)

9300 (continued)

85°-48'-00" West a distance of 45.87'; thence South 71°-34'-00" West a distance 220.00'; thence North 18°-26'-00" West a distance of 70.00'; thence South 85°-06'-00" West a distance of 465.00' to the point of beginning, and containing 8.691 acres, more or less.

9301

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) for permission to erect a duplex in an RS-3 District; and a Variance (Section 440 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) for a variance of the frontage requirements and the square footage requirements located at 1127 East 33rd Place.

Presentation:

Joe Lane, realtor from Hughes and Jones Company, representing Doctors Kraft and James, stated this property was to be sold to Bill Wilkins for a duplex. He stated he requested a variance of the frontage requirement due to the shape of the lot, since the lot contained over the minimum required lot area. Mr. Alberty pointed out this property was in the flood moratorium area and the applicant could not receive a building permit for construction without an exception from the City Commission. Upon questioning by the Chair, Mr. Lane stated no plans have been submitted at this time for the duplex construction. It was determined after discussion that the lot contained square footage in excess of the minimum 9,000 square feet required and thus a variance of the square footage was not required.

Protests: None.

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) for permission to erect a duplex in an RS-3 District; and a Variance (Section 440 - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1670 - Variances) varying the frontage requirements subject to the City Commission removing this property from the flood moratorium on the following described tract:

E/2 of Lot 8, Block 1, Peebles Addition to the City of Tulsa, Okla.

9302

Action Requested:

Exception (Section 1420 (f) - Nonconforming Use of Buildings or Buildings and Land in Combination) for permission to extend a nonconforming use of a building and land in combination to permit warehousing and wholesaling in a CS District; Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) for a variance of the rear setback requirements from 10' to 3.9' to permit line up with existing building, and request for a variance of the lot coverage requirements from 50% to 59%; and Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) for permission

to remove the screening requirement where the purpose of the screening requirement cannot be achieved located at 1345 North Lewis Avenue.

Presentation:

George Logan, 4944 East 49th Street, representing the owners of the property stated the owners wanted to expand their building and presented a photograph (Exhibit "E-1") to the Board of Adjustment. Mr. Logan noted this building was located near the Coca-Cola Plant, the fire station and a DX service station; the building would serve as its own screening fence; and no parking spaces would be lost with the expansion. Mr. Logan said there was one residence south of the existing parking lot.

Mr. Alberty noted under provision 1420 (f) the Board has the authority to change the use; however it was determined in this instance that the intended use of the property does not need an exception according to Section 1420 (f) provisions. Mr. Pauling noted that the use of the property was historically residential on Lot 21; and during further discussion it was decided after presentation by the applicant, the proposed use was a use by right in a CS District and did not require an exception for the new building on Lot 21.

Board Action:

On MOTION of SMITH, the Board voted unanimously to find the Exception (Section 1420 (f)) as unnecessary since the warehousing use is incidental to the principal use on Lot 21; and to grant a Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1670 - Variances) varying the rear setback requirements from 10' to 3.9' to permit line up with existing building, and varying the lot coverage requirements from 50% to 59%; and to grant an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) for permission to remove the screening requirement where the purpose of the screening requirement would be achieved through other means on the following described tract:

Lots 21 and 22, Block 3, Bellevue Heights Addition to the City of Tulsa, Oklahoma.

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 Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) for a variance of the 5-acre minimum for a mobile home in an AG District located on the southwest corner of 106th Street North and 136th Street North.

Presentation: The applicant, William Flemming, was not present.

Protests: None.

Board Action:

On MOTION of PURSER, the Board voted unanimously to continue this application to December 2, 1976, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center; and advised the Staff to notify Mr. Flemming of this hearing date.

9304

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate a children's nursery in an RS-3 District located at 2015 East Apache Street.

Presentation:

Dana Richardson, 2534 North Quincy, wants to operate a day care center at the Apache address; she plans to have 15 to 16 children; and has applied for new licensing under her name. She stated the owner of the business next door has given his permission for people to park on his land when they are dropping off or picking up children. It was suggested to her that she obtain a written document from the owner of the land stating he will allow her to use his parking facilities for the day care children. She stated her hours of operation would be from 6:00 a.m. to 6:00 p.m. and she would employ two helpers. Mr. Alberty brought up the safety factor in unloading of the children since Apache is a major arterial street and there could be traffic problems. Mrs. Richardson stated she has a two car wide driveway and no one would ever have to back out on to Apache Street.

Protests: None.

Board Action:

On MOTION of PURSER, the Board voted unanimously to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate a children's nursery in an RS-3 District subject to the following conditions: To operate from 6:00 a.m. to 6:00 p.m.; to have the Traffic Engineer approve the traffic pattern of loading and unloading; and that there would be no signs advertising the business on the following described tract:

Lot 19, Block 6, Victory Addition to the City of Tulsa, Oklahoma.

9309

Action Requested:

Variance (Section 1205.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670 - Variances) for a variance of the required number of parking spaces for a church to permit an addition to the present church building located at 2123 North Frankfort Avenue.

Presentation:

Rev. C. L. Potter, Minister of the Antioch Baptist Church, is requesting a variance of the parking spaces to permit an addition of 20' x 40' to the east side of the church building. He noted the City Parks Department had allowed the Church members to park at Lincoln Park and there were shuttle buses to bring the parishioners to the Church; and noted the Church would lose 6 parking spaces. Rev. Potter stated the Church would be moving a temporary building presently used for an adult women's group which would eventually provide more parking. The women's group would then be housed in the proposed addition to the Church. He described the changes from a plot plan which was contained in the original file.

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9309 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously to grant a Variance (Section 1205.4 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670 - Variances) varying the required number of parking spaces for a church to permit an addition to the present Church building, as requested; noting the amount of loss of parking does not exceed six (6) spaces, the approximate size of the addition to the Church is 20' x 40' which has to meet all necessary ordinances, and the applicant has indicated that the loss of parking is compensated by the busing facilities to Lincoln Park on the following described tract:

Lots 4, 5, and 6, Block 1, Baldwin Place Addition; and beginning at the Southwest corner of Lot 4, Baldwin Place Addition; thence South 70'; thence East 140'; thence North 70'; thence West 140'; to the point of beginning, ALL in Section 25, Township 20 North, Range 12 East, Tulsa County, Oklahoma; and beginning 355' North of the Southwest corner of the SE/4, NW/4; thence East 165'; thence South 75'; thence West 165'; thence North 75'; to the point of beginning, ALL in Section 25, Township 20 North, Range 12 East, Tulsa County, Oklahoma.

9322

Action Requested:

This is a minor variance request for permission to allow two lots with a 58' frontage and two lots with a 51' frontage in an RS-3 District to permit a lot-split from the applicant, Bryan McCracken. Casper Jones noted the Planning Commission had approved on November 17, 1976 the lot-split subject to the approval of the Board of Adjustment.

Board Action:

On MOTION of SMITH, the Board voted unanimously to approve the above requested minor variance.

Communication:


A letter (Exhibit "F-1") and 4 photographs (Exhibit "F-2") were presented to the Board from Mr. and Mrs. L. J. Griffey who live adjacent to Woodard Park and they are requesting a screening fence be erected between their property and Woodard Park.

The Board decided to direct this complaint to the Parks Department and requested the Staff to correspond with the Parks Department.

There being no further business, the Chair adjourned the meeting at 4:37 p.m.

Date Approved

December 16, 1976

  
Chairman

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