

BOARD OF ADJUSTMENT
MINUTES (No. 225)
Thursday, December 2, 1976, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Guerrero, Chairman Jolly Purser, Mrs. Smith	Blessing	Gardner Jones Smith, Mrs.	Jenkins, Building Inspector Pauling, Legal Dept.

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

MINUTES:

On MOTION of SMITH, the Board of Adjustment voted unanimously (4-0) to approve the Minutes for October 21, 1976 (No. 222).

UNFINISHED BUSINESS:

9272

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-2 District located at 5510 South Sheridan Road.

Presentation:

Charles Sublett, attorney, 905 National Bank of Tulsa Building, represented Mr. and Mrs. Gerald Snow, the applicants. He stated the applicants live at the above address and desire to have an appointment only hair-styling shop in their home; there would be no outside employees; no modifications necessary to the home; they would use their garage for the style shop; there would be no additional structures; and no signs advertising the shop. They would operate from 9 a.m. to 5 p.m., on Thursdays, Fridays, and Saturdays only and take approximately one customer per hour.

Mr. Sublett stated the property size is 235' x 143' and there is a circle driveway for the customers. He felt the protest from the neighboring property owners in the area resulted from a misunderstanding that the applicant was asking for commercial zoning not a home occupation. He presented four pictures (Exhibit "A-1") to the Board showing the property and the screening fences around the property. Board Member Smith questioned the applicant if it was possible for more than one customer per hour and Mr. Sublett stated that is all Mr. Snow anticipated. Mr. Sublett presented a favorable petition (Exhibit "A-2") from area property owners who are agreeable to this operation.

Protests:

Bill Veitch, 5435 South Oxford, a member of the Plaza Homeowners Association, stated their attorney, B. Hayden Crawford was unable to attend as he is involved in a District Court case at this time. Mr. Veitch said his group is not only protesting the beauty shop but they are here to stop any commercial use of the property and avoid strip zoning in this area in the future. They have opposed in the past a Montessori school, a dental office, a veterinary hospital, and a small office building. He noted Mr. Snow is also in the real estate business; he presented to the Board a phone book page (Exhibit "A-3") showing Mr. Snow's listing under Real Estate; and said Mr. Snow only wants to change the zoning and use the property to make a profit. Mr. Veitch also referred to a previous application in 1975 from one of Mr. Snow's employees on the neighboring property for a beauty shop.

Harold Bockelken, 5411 South Oxford, member of the Plaza Homeowners Association, presented sketches (Exhibit "A-4") to the Board to help familiarize them with the area. He noted the heavy traffic patterns on Sheridan Road and said as you head south on Sheridan it transforms from a four lane road to a two lane road at 53rd Street. Mr. Brockelken also pointed out the drainage ditch and said it would create runoff to the creek if this area were developed commercially. He presented a petition (Exhibit "A-5") with 124 signatures against this application. Mr. Brockelken also noted the high shrubbery at either end of the driveway which blocks a driver's view onto Sheridan Road.

Rob Ord, 6089 East 56th Street, stated the three homes behind this site do not have ample screening from the subject property. He presented to the Board a survey (Exhibit "A-6") and a counter petition (Exhibit "A-7") stating Mr. Snow had canvassed the neighborhood with a favorable petition leaving out many important details when explaining what he wanted to do with his property.

Wayne Clarke, 5510 South Oxford, realtor with Hoppe-Clarke Realtors, stated there would be three cars at one time using Mr. Snow's driveway--not one as originally stated -- and he feels if this exception was granted there would be a rash of rezoning applications in this area.

Mr. Bill Veitch, 5435 South Oxford, said some of the property owners in this area were holding out for commercial zoning because "that is what it eventually will be".

Dorothy Bockelken, 5411 South Oxford, stated she is opposed to the beauty parlor whether or not it is a one-chair operation or more because it still is a commercial operation.

Lorraine Williams, 5534 South 66th East Avenue, noted the residents of Sungate channel out to Sheridan Road on 55th Street creating a traffic hazard. Elizabeth Bilbrey, 5298 South Joplin Place, is against any further building because of the flooding problem in this area.

M. H. Jack Williams sent a letter (Exhibit "A-8") to the Board protesting this application.

Mr. Sublett's remarks in response to the protestants: (1) He feels the area residents do not oppose this application, per se, but have a concern for future development and zoning in this area; (2) there is no zoning change requested and the Board of Adjustment does not change zoning; (3) he feels this application should be judged on its own merits and not on past history; (4) he feels there is no traffic or safety hazard; (5) he says this is a legitimate home operation and not a major shopping center being requested; and (6) this application will not increase in any way the flooding problems in the area.

Board Action:

On MOTION of PURSER, the Board of Adjustment voted 3-0-1 (with Smith "abstaining") to deny the 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-2 District on the following described tract:

A tract of land in the SE/4, NE/4 of Section 34, Township 19 North, Range 13 East, Tulsa County, Oklahoma; more particularly described as follows:

Beginning 429' North and 50' West of the Southeast corner of the NE/4 of said Section 34; thence West 231.53'; thence North 148.5'; thence East 231.53'; thence South 148.5' to the point of beginning.

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 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 at the southwest corner of 106th Street North and 136th East Avenue.

Presentation:

Ernie Langbert, of A-1 Realtors in Owasso, representing William Fleming stated the applicant wants to put a mobile home on his acreage and there are other mobile homes in the area. TMAPC Staff Member Bob Gardner stated this area is referred to as a "wildcat subdivision" and the Staff has no objections.

Protests: None.

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously (4-0) to grant for seven (7) 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 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) varying the 5 acre minimum for a mobile home in an AG District on the following described tract:

NW/4, NE/4, NE/4, NW/4, of Section 16, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

NEW APPLICATIONS:

9258

Action Requested:

Exception (Section 1680.1 (g) - Special Exception - Off-Street Parking) for a modification of previous action to permit the screening wall on the north property line located at 43rd Street and South Peoria Avenue.

Presentation:

Attorney Louis Levy requested a continuance and stated he had notified some of the protestants in the area. David Pauling, Legal Department, noted a portion of this application has already been presented to the Board and an appeal from a decision on that portion of this application is in District Court with a pending motion to expedite and he does not want two court trials from one Board of Adjustment case. Mr. Levy said the only portion of the application which is not under appeal is the portion being presented today to the Board which is the setback fence requirement on 43rd Street. He feels a continuance is in order on this portion; to which Board Member Jolly asked what the value was of a continuance. Mr. Levy stated he was in the process of purchasing two houses on 43rd Street and if the purchases are consummated, he can present a different plan to the Board than the plan presented last month. Mr. Pauling said if a different plan is to be presented then what is the purpose of rushing into the District Court appeal on the other portion of the application. Mr. Levy stated he would agree to continue the two issues in District Court if he received a denial of this request by the Board. Board Member Jolly stated on occasion the Board has allowed the protestants to speak and then continue the application. Mr. Levy said he would withdraw his request for continuance and present the application so as not to inconvenience the protestants who have appeared today.

Mr. Levy said this application is to provide off-street parking adjacent to the John Zink Company and to grant modifications of the screening wall of the original plan. The modification presented is to build a fence on 43rd Street behind which the Zink employees would park their cars. He noted the original decision to build a fence is applicable to all of the Zink Company property. He is requesting a waiver to permit the construction of a fence 35' from the centerline of the street which would be the same distance as the existing fence on 44th Street. There would still be 15' for landscaping as has been done on 44th Street and Rockford Road -- the fence would sit on the property line and would actually be 12' from the property line to the street so the planting and landscaping would be on City right-of-way. Mr. Gardner stated the previous application which was filed but not heard states the screening fence would be within 10' of the property line paralleling 43rd Street. This application says the screening fence would be placed on the north property line rather than 10' south of the north property line. If Mr. Levy wants to align this fence with the other existing fences, then it would have to be 10' from the property line and 35' from the centerline of that street.

He further stated the reason the Board made the original conditions of 20' on the north and 10' on the south was that is how it was shown on the plot plan and the applicant owned more of the structures on the south side. The TMAPC never took a technical position on the screening fence the first time and he feels it is not unreasonable to let the fence be uniform all the way around the property. Mr. Gardner thinks there should be an additional 10' setback to allow the landscaping on the Zink Company property rather than only on the City right-of-way. Mr. Levy said there was only two homes on that street that the Company does not own or have under contract to buy at this time. The landscaped area will be 12 or 13 feet along 43rd Street, he said, and will look essentially like it does on 44th Street when it is finished. Mr. Levy stated the screening wall will align with the existing fence and will be 10' south of the north property line and amended his application.

Upon questioning by Board Member Purser, Mr. Levy stated the fence would be 10 to 15 feet in front of the homes which are approximately 20 to 25 feet back from the property line which is how the fence now stands on 44th Street. Mr. Levy noted the Zink Company owns or will eventually own all but two of the lots on 43rd Street and all but two of the lots on 44th Street.

Protests:

I. W. Moreland, 4231 South Rockford, wanted clarification of what the application requests and what the Staff is recommending for the screening fence. The Chair asked Mr. Gardner to respond and he said the applicant is amending his application to align the screening fence with the one on 44th Street which is 10' back from the property line. Mr. Moreland then stated the Zink employees are only using one-half of their parking now and the rest is being used for storage as well as homes across the street for storage. He also questioned the shrubbery covering the fence and noted only trees had been planted and they do not cover the fence.

Kathryn Reinhart, 1344 East 42nd Place, stated the Zink Company employees are not using their present parking lot and are parking on the street in front of the residences and apartments in the area.

Betty Moreland, 4231 South Rockford, stated she is opposed to this application.

Mrs. Willis Allen, 1343 East 43rd Street, would like to see the fence put up because it is annoying to see the homes and parking lot used for storage of large hoists and vehicles.

Dorothy Watson, 4108 South St. Louis, owner of the property at 1326 East 43rd Street, asked the Board to consider the fencing setback distance with regard to the safety factor for children in the neighborhood.

Mrs. Arthur P. Davis, 1366 East 43rd Street, objects to the proposed fence blocking the front of her property.

John Peterson, 520 West Cleveland, Sapulpa, inherited one of the homes on 43rd Street and opposes the screening fence because he feels it will depreciate the value of his property.

Discussion:

Mr. Levy stated the Zink Company had stated previously a year and a half ago that a fence would be built, it would be painted green, and trees and shrubs would be put in front of the fence. But he added they had never said there would be shrubbery which would cover an 8-foot high fence and they cannot possibly cover it today since it does take a long time for trees to grow. Board Member Purser read the Minutes from July 21, 1975 meeting which stated on motion of Smith the Board approved their application with the following condition -- that a fence would be built and painted and the area landscaped with shrubbery. Mr. Levy said the 18 original shrubs planted were either destroyed or stolen after three weeks time and small trees have been substituted and there are approximately 20 to 24 of them now growing.

Board Member Purser stated her concern is to grant more land for parking when the existing land already allocated for parking is not being used. Mr. Levy disagreed and stated the land was being used for parking; he allowed many years ago the Zink employees were parking in front of the residences which caused problems. But now since the Board has previously granted additional off-street parking, the employees are using the parking lot and not parking in front of the residences. He noted they did not have title to lots 6, 7, 8, or 16.

On MOTION of JOLLY, the Board of Adjustment voted unanimously (4-0) to grant an Exception (Section 1680.1 (g) - Special Exception - Off-Street Parking) to permit modification of the previously approved location of a screening wall along the north parking lot paralleling 43rd Street, per the following conditions on the following described tract:

(1) Allow a screening fence 10' south of the north property line except on lots 9 and 5, and that the fence on lots 9 and 5 should line up with the homes on the adjoining lots; (2) the same type of fence be built; and (3) the landscaping requirement shall be trees and shrubs.

Lots 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14 and 15, Block 4, Don Lee Addition to the City of Tulsa, Oklahoma.

9305

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to maintain a mobile home in an RS-2 District located at 2445 East 56th Street North.

Presentation:

Bobby Steinhouse, 2445 East 56th Street North, stated he needs an extension of the permit to keep his mobile home on his property.

Protests: None.

9305 (continued)

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously (4-0) to grant an Exception (Section 510 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) for permission to maintain a mobile home for a period of one year, bond required, in an RS-2 District on the following described tract:

E/2, E/2, SW/4, SW/4, and the E/2, E/2, SW/4, SW/4, SE/4 of
Section 5, Township 20 North, Range 13 East, Tulsa County, Okla.

9306

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) from a decision of the Building Inspector for refusing to permit use of a mobile home as classrooms for a church; and an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420 - Accessory Uses in Residential Districts) for permission to use a mobile home as classrooms for a church located at 5502 South Harvard Avenue.

Presentation:

Joe Wells, representing the Harvard Avenue Christian Church, stated the Church has outgrown its space; it is located within the flood plain; and presented a map (Exhibit "B-1") showing the location of the property. He stated he had a letter from the Board of City Commissioners granting a waiver of the flood plain requirements based on the map and the mobile home would be needed for two years for the classrooms. Mr. Pauling noted the appeal should be denied because the Ordinance limits the approval of the Building Inspector.

Protests:

No protestants were present however, a protest letter (Exhibit "B-2") was read from the District 18 Planning Team and Steering Committee.

Board Action:

On MOTION of JOLLY, the Board of Adjustment voted unanimously (4-0) to uphold the Appeal (Section 1650 - Appeals from the Building Inspector) from a decision of the Building Inspector for refusing to permit use of a mobile home as classrooms for a church; and approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420 - Accessory Uses in Residential Districts) to permit a temporary use of a mobile home to be used for classrooms for a church for a period of one year, removal bond required, on the following described tract:

The following described real estate is situated in the County of Tulsa, State of Oklahoma, to-wit: That part of the NE/4 of Section 32, Township 19 North, Range 13 East, described as follows: Beginning at a point 466.69' south of the NE corner of the SE/4, NE/4 of Section 32; thence West parallel with the North line of said SE/4, NE/4, 466.69' to a point; thence South 300' to a point; thence East 466.69' to a point on the East line of said Section 32; thence North along said line 300' to the point of beginning.

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670 - Variances) for a variance of the setback requirements from 50' to 32' from the centerline of Rockford Avenue located at 1501 East 6th Street.

Presentation:

Terry Stow, Star Construction Company who is the contractor for the property, stated the existing building is 32' from the centerline of Rockford Avenue and wants a variance to extend the building further to the north and line up the existing building and for continuity with the other buildings on the street. He presented a plot plan (Exhibit "C-1").

Protests: None.

Board Action:

On MOTION of JOLLY, the Board of Adjustment voted unanimously (4-0) to approve per plot plan submitted a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670 - Variances) varying the setback requirements from 50' to 32' from the centerline of Rockford Avenue on the following described tract:

Lots 12, 13 and 14, Block 5, Factory 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 a Variance (Section 340 - Requirements for Special Exception Uses in the AG 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 south and east of 151st Street and Peoria Avenue.

Presentation:

W. M. Gafford, Rt. 2, Bixby, stated he owns 2 acres and wants a permanent permit for a 14' x 70' mobile home on this land. He stated there are other mobile homes in the area; and upon questioning by Board Member Smith, he stated he was not in danger of flooding even though there is a tributary running across the north end of his property.

Protests: None.

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously (4-0) to grant for seven (7) 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 340 - Requirements for Special Exception Uses in the AG District - Under the Provisions of Section 1670 - Variances) varying the 5 acre minimum for a mobile home in an AG District on the following described tract:

9310 (continued)

Southwest 2.445 acres of the Southwest 9.89 acres of Lot 1, Section 19, Township 17 North, Range 13 East, Tulsa County, Oklahoma.

9311

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to operate a mobile home sales lot in a CS District located at 11100 East Admiral Place.

Presentation:

James Kirkpatrick, 3131 East 51st Street, presented a plot plan (Exhibit "D-1") and stated there is an existing mobile home lot adjacent to this property and this mobile home sales is a 1 year land lease with a 2 year renewal option.

Protests: None.

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously (4-0) to grant per plot plan submitted an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to operate a mobile home sales lot for a period of 3 years in a CS District on the following described tract:

The East 200' of the West 715' of the North 350' of Lot 8, Section 6, Township 19 North, Range 14 East, Tulsa County, Okla.

9312

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) for a variance to permit building across a lot line; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for a variance of the land area per dwelling unit from 1,200 sq. ft. to 1,133 sq. ft. per unit; and a request for a variance of the livability space per dwelling unit from 200 sq. ft. to 191 sq. ft.; and a request for a variance of the side yard requirements from 10' to 4' and 4"; and a Variance (Section 1208 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670 - Variances) for a variance of the parking requirements from 23 to 20 located at 2635 East 5th Street.

Presentation:

Bill Howard, HJR Investment Company, 2635 East 5th Street, presented a plot plan (Exhibit "E-1") and stated his company wishes to build a 15 unit one-bedroom efficiency apartment building and the hardship is that the lots were platted as per the size they are and he has no other land. There is also an open stairwell which encroaches on the side yard but his company does own the land to the east which contains a six unit apartment. He noted this location is near the TU campus and many residents do not own cars.

Mr. Gardner stated the Staff was not aware of the request of the side-yard being that of the stairwell and understands the encroachment of the stairwell is to the north and not adjacent to the structure to the east. The stairwell on the northeast corner of the lot leads to the second-story of the structure. He also noted if the applicant removed one unit he would meet all of the requirements of the Code with the possible exception of the stairwell problem.

Protests:

Lois Winstead, 2519 East 5th Place, questioned if the apartment would be a two-story structure and was informed it would be. She noted it would be necessary to have three fire walls and she is concerned about putting parking spaces up to the property line. The Board told her the variance is to permit 3 spaces less than required by the Code.

Frank Thompson, 2627 East 4th Place, presented a protest petition (Exhibit "E-2"), and is concerned about the 10' space needed between a parking space and the property line and wondered why 4'4" was being allowed. Mr. Gardner said the applicant is not asking to put the building closer to the property line than 10'; the applicant is asking for an exception of a stairwell to be closer than 10' to the property line.

Board Action:

On MOTION of JOLLY, the Board of Adjustment voted unanimously (4-0) to grant per plot plan submitted a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) varying building across a lot line; a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) varying the land area per dwelling unit from 1,200 sq. ft. to 1,133 sq. ft. per unit; and varying the livability space per dwelling unit from 200 sq. ft. to 191 sq. ft.; and varying the side yard requirements from 10' to 4' and 4"; and a Variance (Section 1208 - Off-Street Parking and Loading Requirements - Under the Provisions of Section 1670 - Variances) varying the parking requirements from 23 to 20 on the following described tract:

Lots 15 and 16, Block 4, Highlands Second Addition to the City of Tulsa, Oklahoma.

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 educational purposes and related off-street parking; and a Variance (Section 1320 (d) - Off-Street Parking - General Requirements - Under the Provisions of Section 1670 - Variances) for a variance from requirements of parking spaces on the same lot as the use located at the following addresses: 2817 East 4th Place, 2815 East 5th Street, 805 South College, and 3012 East 8th St.

Presentation:

Don Detrick, 1300 National Bank of Tulsa Building, stated the University of Tulsa has lost 4 parking lots - the equivalent of 80 parking spaces - due to the construction of new buildings on the campus. The current

9313 (continued)

plans include removing four existing homes and place parking on these lots. He submitted a plot plan (Exhibit "F-1") and stated fences would be erected around the parking lots where their adjacent to existing homes.

Protests: None.

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously (4-0) to grant per plot plan submitted an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for educational purposes and related off-street parking; and a variance (Section 1320 (d) - Off-Street Parking - General Requirements - Under the Provisions of Section 1670 - Variances) varying the requirements of parking spaces on the same lot as the use on the following described tract:

Lot 39, Block 1; Lot 17, Block 2; and Lots 11 and 12, Block 23,
College Addition to the City of Tulsa, Oklahoma.

9315

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for church use and related activities located at the northwest corner of 126th Street North and Memorial Drive.

Presentation:

Don Mosby, 5123 West 8th Street, pastor of the church, presented a plot plan (Exhibit "G-1"). Mr. Gardner said the Staff is concerned that the property be subdivided and a plot plan submitted. Board Member Jolly stated the applicant is not asking for any waivers or setback requirements on this 5 acre tract. Mr. Mosby stated the building is to be located 80' north of 126th Street and 268' from Memorial Drive.

The Staff suggested if the Board is to grant approval of this application they should consider granting the approval upon the filing of a subdivision plat. Mr. Jenkins, Building Inspectors Office, stated the submitted plot plan is not sufficient for a building permit and a hard surface is needed for parking. Mr. Mosby stated they hoped to use the land within 90 to 120 days and he was advised by Board Member Smith that it would take from 6 to 9 months for the platting process. A letter (Exhibit "G-2") from the City of Collinsville was also presented.

Protests: None.

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously (4-0) to grant as requested the Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to use property for church

9315 (continued)

use and related activities as presented, and subject to the applicant dedicating by separate instrument the necessary right-of-way along Memorial Drive and 126th Street as required by the Major Street Plan in lieu of a requirement to plat the property on the following described tract:

E/2, SE/4, SE/4, SE/4, of Section 35, Township 22 North, Range 13 East, Tulsa County, Oklahoma.

9316

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1212 - Eating Places Other than Drive-Ins) for permission to operate a restaurant in an IL District located at 4004 South Memorial Drive.

Presentation:

The applicant was not present and TMAPC Staff Member Casper Jones stated the applicant is adding on to an existing restaurant and needs an exception.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board of Adjustment voted unanimously (4-0) to grant per plot plan (Exhibit "H-1") an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1212 - Eating Places Other than Drive-Ins) for permission to operate a restaurant in an IL District on the following described tract:

The North 150' of the South 550' of the West 300' of the East 350' of the SE/4 of the SE/4 of Section 23, Township 19 North, Range 13 East, containing 1.035 acres, Tulsa County, Oklahoma.

9317

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) for a Variance of the livability space from 600' to 500'; and for a variance of the setback requirements from 55' to 45' from the east; and for a variance of setback requirements from 95' to 50' from the centerline of 21st Street; and for a variance of the height limitation of one-story to allow two-stories within 50' of an RS District located at the northwest corner of 21st Street and Detroit Avenue.

Presentation:

Joram Rauchwerger, applicant, 1722 South Carson, presented two plot plans (Exhibit "I-1") and (Exhibit "I-2") stating he is amending his application as follows: He is withdrawing his request for a variance of the livability space and his request for a variance of the setback requirements from the east; and he is changing the setback requirements from 95' to 61.25' from the centerline of 21st Street. Edward Brett, 119 West 5th Street, architect, stated the application had been amended and does include the

one-story restriction to a two-story in an RM District but will not exceed the 26' height requirement. Mr. Brett noted the setback requirement is based on the Major Street Plan which states 21st Street will become a 120' right-of-way in the future and currently is a 60' right-of-way. The Street Plan states there must be a 95' setback which is unfeasible and their hardship is the 60' restriction on the right-of-way and they need only a 35' setback. Mr. Brett showed the Board an aerial photograph concerning the 120' right-of-way on 21st Street and noted they are adhering to all other requirements for the five planned townhouses. Upon questioning by the Chair, Mr. Brett stated there are apartments to the west of their property at 21st Street and Cincinnati. Mr. Rauchwerger stated these would not be apartments as such but town homes with adjoining walls; not every home in the Mapleridge area are two-story but the majority are ; and upon questioning by Board Member Purser, he stated the character of the structures would be in keeping with existing homes in the area.

Protests:

Attorney Louis Levy, presented a protest petition (Exhibit "I-3") containing 59 signatures of the residents of Mapleridge, noting he represents some of the protesters but not all which are present today. He described the Mapleridge area noting, in his opinion, these are the finest oldest homes in the City of Tulsa which have been maintained and improved for over five generations. He stated the subject property was zoned RM-1 for apartments in 1960; he has no objections to apartments per se on the property; and feels that all the property in the area need not be single-story residences. Mr. Levy desires to comply with the Zoning Ordinance which states this area may contain 3 units of two-story height or 5 units of one-story height. The reason this Ordinance states the above is because the building would be within 50' of existing single-family residences. Obviously, he noted, nothing can be built upon this property due to the Major Street Plan requirements for 21st Street which he feels is unreasonable. Upon questioning by the Chair, Mr. Levy stated there is an 18 unit two-story apartment on the southwest corner of 21st Street and Cincinnati and additional two-story apartments west of the subject property but none to the east of the property.

Nik Jones, attorney representing Thomas Matson of 231 East 20th St., stated he opposes the variance on the one-story restriction and does not want this area overbuilt nor a precedent set in the area.

Jim Owens, 304 East 20th Street, presented a viewgraph and showed the Board 17 slides and stated he objects to overbuilding in the area and the traffic problems.

Mrs. Eudora Benson, 221 East 21st Street, objects to any financial profit of the area at the expense of the neighbors feeling this would increase their taxes and devalue their property. She does not want this area to become commercial and change the look of Mapleridge.

A protest letter (Exhibit "I-4") was read from C. S. Lewis III, District 6 Chairman.

Dan Staudt, 230 East 20th Street, noted the history of the neighborhood and asked the Board not to repeat past mistakes by granting approval of this application.

Buck Herron, 301 East 20th Street, stated he was concerned for the safety of the children in this area.

Ernest Simmons, 2105 South Detroit, noted the unique features of this neighborhood and of the homes and feels this apartment would detract from the good qualities of the area.

Rick White, 256 Hazel Boulevard, Chairman of the Board of Trustees of the Mapleridge Association, stated this area is being rejuvenated and there are many young families with children and the safety and desirability of the neighborhood are of concern to many residents. He also noted there would be no contract of sale on the property if the variance was not approved.

Robert Parker, 2120 South Madison, also opposes this application and has concern for the traffic problems.

John Ladner, 2116 South Detroit, stated the applicant was trying to build too large of an apartment on this property and he too is opposed to the application.

Discussion followed and it was stated the Zoning Code says a townhouse unit must have a minimum of four units; it was also stated the parking would be concealed under the second-story of the townhouses at the rear of the property. Mr. Gardner stated the Staff has no objection to the variance of the Major Street setback because a variance would be necessary even if a single-family residence was built on the subject site. On questioning by Board Member Smith, Mr. Gardner also noted many more units would have been allowed on this property prior to 1970. The Zoning Code was made more restrictive as to building setbacks in 1970. If the applicant was requesting to build 3 units, the setback requirement would then only be 20' from the north property line and no waivers would be required except the Major Street setback.

Board Action:

On MOTION of JOLLY, the Board of Adjustment voted 3-1 (with Smith voting "nay") to deny a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to vary the setback requirements from 95' to 61.25' from the centerline of 21st Street; and to vary the height limitation of one-story to allow a two-story townhouse unit within 50' of an RS District on the following described tract:

The East 150' of Lot 75, Block 8, Southside Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office District - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) for permission to sell Christmas trees during the month of December, 1976 located southwest of 48th Street and South Harvard Avenue.

9318 (continued)

Presentation:

Jimmy R. Youell, member of the Southeast Tulsa Optomist Club, stated his group wishes to use the property in December to sell Christmas trees.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board of Adjustment voted unanimously 3-0 (Purser out of the room) to grant an Exception (Section 610 - Principal Uses Permitted in the Office District - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) for permission to sell Christmas trees during the month of December 1976 on the following described tract:

The E/2 of Lot 9, Claypool Addition to the City of Tulsa, Okla.

9319

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) for a variance of the frontage requirements from 300' to permit a lot-split having a 206.99' frontage lot and a 285' frontage lot located at the northeast corner of 116th Street North and Trenton Avenue.

Presentation:

Casper Jones stated the Planning Commission had approved this application December 1, 1976 subject to Board of Adjustment approval.

Protests: None.

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously 3-0 (Purser out of the room) to grant a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) varying the frontage requirements from 300' to permit a lot-split having a 206.99' frontage lot and a 285' frontage lot on the following described tract:

Undivided Tract: A tract of land in the NW/4 of Section 31, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, and being more particularly described as follows, to-wit: Commencing at the SE corner of the NW/4 of Said Section 31; thence West 685.9'; thence North 50'; thence Northeasterly along the North right-of-way line of 116th Street South, a distance of 358' to the Point of Beginning; thence North 260'; thence East 60'; thence North 306.41'; thence South 89°-55'-56" West, a distance of 408'; thence South 712.41' to the North line of 116th Street; thence Easterly, along said North line of 116th Street South to the Point of Beginning.

9319 (continued)

Tract #1: The West 198' of the above described "Existing Undivided Tract".

Tract #2: Commencing at the SE corner of the NW/4 of Section 31; thence West 685.9'; thence North 50'; thence Northeasterly around a curve to the left with a radius of 311.5' and a central angle of $27^{\circ}-57'$, a distance of 151.97' to the Point of Beginning; thence North 688.72'; thence North $89^{\circ}-55'-56''$ East, a distance of 210'; thence South 306.41'; thence West 60'; thence South 260'; thence Southwesterly along a curve to the left, with a radius of 174.7' and a central angle of $28^{\circ}-05'$, a distance of 87.96'; thence South $41^{\circ}-51'$ West, a distance of 10'; thence along a curve to the right with a radius of 311.5' and a central angle of $20^{\circ}-03'$, a distance of 109.03' to the Point of Beginning.

9320

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office District-Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate a children's nursery in an OL District located southeast of 29th Street and Garnett Road.

Presentation:

R. C. Dickenson, 6355-B East 41st Street, stated there are commercial uses in the area; and upon questioning, stated a part of the land is in flood moratorium but the moratorium is mapped on the wrong side of the creek.

Protests: None.

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously 4-0 to grant an Exception (Section 610 - Principal Uses Permitted in the Office District - Section 1205 - Community Services, Cultural and Recreational Facilities) for permission to operate a children's nursery in an OL District subject to lot-split approval by the Planning Commission and granting of an exception in the moratorium area on the following described tract:

The East 225' of Lot 1, Block 1, Dunham-Birkes I Addition to the City of Tulsa, Oklahoma.

9321

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to rent automobiles and other vehicles in a CS District located south and east of 61st Street and South Peoria Avenue.

Presentation:

R. C. Dickenson, 6355-B East 41st Street, stated that this application is for permission to operate a U-Haul Rental and not automobile rental. He stated the two lots in question are zoned CS, both are vacant service Stations, and there is a rest home to the east of the property which will require a screening fence to be built between the U-Haul

9321 (continued)

Rental and the rest home. A letter of support (Exhibit "J-1") from the District 18 Planning Team was presented.

Protests: None.

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously 4-0 to grant an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) for permission to rent U-Haul vehicles in a CS District as presented, subject to the erection of a screening fence on the east property line on the following described tract:

Lot 1, Block 1, Peoria Plaza Addition; and Lot 1, Block 1, Peoria Plaza Resubdivision to the City of Tulsa, Oklahoma.

9324

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) for a variance of the rear yard requirements from 20' to 16.5' in an RS-3 District located at 3746 South 96th East Avenue.

Presentation:

Russell Staurousky, 3746 South 96th East Avenue, applicant, stated the variance was needed due to the size and shape of his lot so he could add a room onto his home. He submitted a plot plan (Exhibit "K-1") and a drawing of the proposed addition (Exhibit "K-2").

Protests: None.

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously 4-0 to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) varying the rear yard requirements from 20' to 16.5' in an RS-3 District subject to the plot plan submitted on the following described tract:

Lot 30, Block 7, Briarwood 2nd Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

9326

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) for a variance of the frontage requirements from 75' to 15' in an RS-2 District to permit a lot-split located at 415 Terrace Drive, Sand Springs, Oklahoma.

9326 (continued)

Presentation:

Casper Jones stated the application was approved by the Planning Commission on December 1, 1976 subject to Board of Adjustment approval.

Protests: None.

Board Action:

On MOTION of SMITH, the Board of Adjustment voted unanimously 4-0 to grant a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) varying the frontage requirements from 75' to 15' in an RS-2 District to permit a lot-split on the following described tract:

Lot 14, and the West 106' of Lot 5, Block 20 Charles Page Home Acres #2, Addition to Tulsa County, State of Oklahoma, according to the recorded plat thereof.

9333

Action Requested:

Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) for a variance of the setback requirements from 50' to 38' from the centerline of Harvard Avenue to permit a pole sign located at 3713 South Harvard Avenue.

Presentation:

Mike Moydell, Oil Capital Neon Company, presented a plot plan (Exhibit "L-1") and stated the Sonic Drive-In wanted to extend their sign and canopy out toward the street.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board of Adjustment voted unanimously 4-0 to grant a Variance (Section 280 - Structure Setback from Abutting Streets - Under the Provisions of Section 1630 - Minor Variances) varying the setback requirements from 50' to 38' from the centerline of Harvard Avenue to permit a pole sign subject to the customary removal contract on the following described tract:

Lot 4, Block 2, 36th Street Suburb Addition to the City of Tulsa, Oklahoma.

There being no further business, the Chair adjourned the meeting at 5:32 p.m.

Date Approved

January 6, 1977



Chairman