

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 230
Thursday, February 17, 1977, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Blessing Guerrero, Chairman Jolly Purser, Mrs. (in at 1:32 p.m.)	Smith	Edwards Etter, Mrs. Gardner Jones	Jenkins, Building Inspector's Off. Pauling, Legal Department

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

MINUTES:

On MOTION of JOLLY, the Board (3-0) approved the Minutes of January 20, 1977 (No. 228).

UNFINISHED BUSINESS

8461

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) for refusing to permit off-street parking; and a Variance (Section 1670.1 - Variances - General) to establish off-street parking in an RM-1 District located at 912 West 24th Street; and

8770

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670) for a variance of the side yard requirements from 25' to 1' 7" in an IL District located at 3920 East Pine Street; and

8799

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) to cease the operation of a salvage yard; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) for a variance to allow the operation of a salvage yard and automobile repair in an RM-2 District located at 4320 West 8th Street; and

Unfinished Business: (continued)

9068

Action Requested:

Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1225 - Light Manufacturing and Industry - Under the Provisions of Section 1670) for a variance from the applicable use unit restrictions to allow storage of salvage materials on the property, under restrictions so as not to allow expansion of said use. In the alternative, applicant requests a finding by the Board that the use in progress on said land is a valid, nonconforming use, which may continue, subject to reasonable conditions and restrictions to be promulgated by this Board, in an IL District located at 3816 North 78th East Avenue; and

9120

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector) to terminate auto salvage operations at the southwest corner of Peoria Avenue and Easton Street and at 123 North Peoria Avenue; a Variance (Section 910 - Principal Uses Permitted in the Industrial District - Under the Provisions of Section 1670) to continue operation of auto salvage yards; 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 separation of uses in an IL District located at the southwest corner of Peoria and Easton and at 123 North Peoria; and

9142

Action Requested:

Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Under the Provisions of Section 1670) to maintain a mobile home in an IM District located at 9 North 32nd West Avenue.

Presentation: None of the applicants were present.

The Staff advised that the Legal Department had requested a continuance of each of the above mentioned applications to April 7, 1977 in order that a decision of the State Supreme Court appeal might be rendered.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) continued applications 8461, 8770, 8799, 9068, 9120, and 9142 to April 7, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9387

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of the

9387 (continued)

setback requirements from 100' to 89.80' from the center line of Utica Avenue in an IL District located at the northeast corner of Jasper Street and Utica Avenue.

Presentation:

The Staff advised that the subject application would have to be continued in order that it might be readvertised for hearing March 3, 1977.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) continued application 9387 to March 3, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

NEW APPLICATIONS

9379

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) to use an RS-3 District for access to a CS District; and an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements on the north where an alternative screening will provide visual separation of uses in a CS and RS-3 District located southwest of 80th Street and Memorial Dr.

Presentation:

Mike Burkes, architect for Quik Trip Corporation, submitted the landscape and screening plan (Exhibit "A-1"), advising that the screening on the north is proposed to be seven or eight pine trees, initially eight feet to twelve feet tall, which would screen the north wall of the convenience store in lieu of a six-foot solid screening fence required by the Zoning Code.

David Kennedy, the applicant, advised the Board that access from 80th Street through the five-foot wide RS-3 District was also requested.

Mr. Gardner reviewed the application, noting that the Board should consider the proposed screening and be assured that the applicant's proposal would achieve the intent of the required screening. Also, the Board should concern itself with the location of the gasoline pumps, if proposed, and the location of the sign. In his remarks to the Board, Mr. Gardner pointed out that the five-foot strip of RS-3 zoning occurred during the platting of the property and was not required in the zoning process to prohibit access to 80th Street.

Mr. Kennedy advised the Board that he had a written agreement (Exhibit "A-2") with the owner of the RS-3 in order that the RS-3 property might be used for access purposes to the CS tract. Also, he advised that the sign would be located as far south as possible, away from the residential development to the north, and that the lighting would be directed toward Memorial.

Paul Jenkins, Building Inspector, advised the Board that the permit for construction of the convenience store had been issued based on a plan which showed screening on the north property line, no gas pumps and no sign. Permits for the gas pumps and sign will be required.

David Pauling, Assistant City Attorney, reviewed the question of a principal use variance, noting that a decision on the question had not yet been reached by the State Supreme Court appeal, suggesting that the applicant may wish to continue his application to await a decision on the question since the access through the RS-3 District would be the principal use of the RS-3 District.

Mr. Gardner noted that if the properties were tied together even though they were zoned two different categories, the Board would have jurisdiction at this time, after which Mr. Pauling agreed.

Mr. Kennedy advised the Board he understood that neither of the properties could be sold on an individual basis and that he had no objections to entering into a tie contract in order that the RS-3 tract might be utilized for access purposes. With regard to screening, Mr. Kennedy advised that he had originally planned a solid screening fence on the northern property line but that the Traffic Engineer expressed concern with regard to traffic safety at the intersection. Mr. Kennedy noted he felt that the pine trees would be appropriate, but would have no objection to providing a landscape berm if this were felt to be more appropriate. Upon questioning by the Board, Mr. Burkes advised that slash pines, a self-pruning variety, were being proposed to be located on the northern portion of the property for screening purposes.

Board Member Purser expressed concern with the proposed screening, advising that the lower six to seven feet of slash pines are without foliage, therefore no screening would be provided. She felt the Board should possibly require a three-foot berm in addition to the pine trees.

In summary, Mr. Kennedy noted that only one free-standing structure was proposed on the 150' lot, that the berm would be acceptable and that trees would be provided in addition to the berm, and suggested that the Board consider the sight safety at the corner when reviewing screening.

Board Action:

On MOTION of JOLLY, the Board (4-0) granted a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) to use an RS-3 District for access to a CS District subject to the applicant's submitting a contract tying the RS-3 and CS properties together; and approved an Exception (Section 250.3 (b) - Modification of the Screening Wall or Fence Requirements) for a modification of the screening requirements on the north where an alternative screening will provide visual separation of uses--a three-foot berm, except for access opening, with seven or eight pine trees, eight feet to twelve feet in height initially, as presented, in addition the berm being provided as the alternative screening--in a CS and RS-3 District on the following described tract:

9379 (continued)

Lot 1, Block 1, Kennedy-Walker Center Addition to the City of Tulsa, Oklahoma.

9380

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the side yard requirements to permit 5' side yards on interior lots to allow development of property under RS-3 standards in an RM-1 District located northwest of 61st Street and Union Avenue.

Presentation:

Pamela Seay, representing Smith Investment Company, in reviewing the preliminary plat provided by the Staff, advised that the application is a request for five-foot side yards in the RM-1 District to permit single-family development under RS-3 standards as opposed to one five-foot and one ten-foot side yard as required in the RM-1 multifamily district.

The Staff pointed out that the applicant's hardship is the fact that the one use is being proposed on the property containing two zoning classifications. Also, at the time the application was filed, the applicant advised that if the property was developed other than single-family, the RM-1 standards would be met.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) granted a Variance (Section 430-Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the side yard requirements to permit 5' side yards on interior lots to allow development of property under RS-3 standards in an RM-1 District on the following described tract:

A part of the SE/4 of Section 34, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit:

Beginning at a point 250.00' North of the Southwest corner of Section 34, and 820.01' due East; thence due East a distance of 1,379.99'; thence due North and parallel with the East line of Section 34, a distance of 1,277.73'; thence due East a distance of 2,200.00' to a point on the East line of Section 34; thence due South along the East line of Section 34, a distance of 400.00'; thence due West a distance of 966.01'; thence along a curve to the left with a radius of 600.00' and a central angle of 15°, a distance of 157.08'; thence South 75° West a distance of 205.23'; thence South 15° East a distance of 501.36'; thence along a curve to the left with a radius of 300.00' and a central angle of 45° a distance of 235.62'; thence South 60° East a distance of 213.63'; thence along a curve to the right with a radius of 250.00' and a central angle of 12°-50'-21" a distance of 56.02' to the point of beginning and containing 40.90 acres, more or less.

2.17.77:230(5)

9381

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to sell vehicles in a CS District located at the southwest corner of 11th Street and 133rd East Avenue.

Presentation:

Gerald Lansdale, the applicant's son, advised the Board that his father is proposing to sell used automobiles on the subject property utilizing the existing structure. Upon questioning, Mr. Lansdale advised that to the west is a barber shop, to the south is a railroad tie operation and welding shop and across the street is an electrical contracting business.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to sell vehicles in a CS District on the following described tract:

The North 150' of the East 202' of the E/2, NE/4, NW/4, NW/4, of Section 9, Township 19 North, Range 14 East, Tulsa County, Okla.

9382

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) to locate a machine shop in a CH District located at 1107 North Peoria Avenue.

Presentation:

W. H. Elliot, representing the property owner, submitted the plot plan (Exhibit "B-1") advising that his client owns Lots 37-42, of which the northern four lots are zoned IM and the southern lots are zoned CH. The south half of Lot 38 and all of Lot 37 contain the existing structure; therefore, an exception to permit the manufacturing operation in the CH District is required. Mr. Elliot advised that the operation is light manufacturing in nature and will not create a noise pollution problem for the area property owners. Upon questioning with regard to parking, Mr. Elliot advised that the parking area is surfaced with rock at present, but that he would provide hard surfacing if so required by the Board.

Protests: None.

Interested Party:

Mrs. Joyce Nibber, 1412 South Guthrie, advised the Board that she was in the process of purchasing Lots 35 and 36 and had been assured by the applicant that the operation would create no excess noise or air pollution. Mrs. Nibber noted that the applicant had stated he wished to upgrade the area by providing a use for the property. She also felt that such industrial uses should be located within designated industrial areas as proposed by the applicant. Because of the

9382 (continued)

assurances she had received from the applicant, Mrs. Nibber advised she had no objections to the proposed use of the subject property.

Board Action:

On MOTION of PURSER and as amended by JOLLY, the Board (4-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1225 - Light Manufacturing and Industry) to locate a machine shop, per plot plan, and subject to the parking to the north and south of the structure being hard-surfaced, in a CH District on the following described tract:

Lot 37, and the S/2 of Lot 38, Bullette Second Addition to the City of Tulsa, Oklahoma.

9384

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's day care center in an RS-3 District located at 215 East 53rd Street North.

Presentation:

Peggy Knight advised the Board that she would like to operate a children's day care center on the subject property, noting that she resides at 219 East 53rd Street North which is next door to the subject tract. She advised she was licensed to care for 17 children in the structure and would operate between 6:30 a.m. and 6:30 p.m. Upon questioning she noted that the structure has a two-car driveway at present and that she was planning a circular drive.

Mr. Gardner felt the Board should concern itself with the 4' x 8' sign that is permitted in conjunction with the operation, pointing out that the Board had, in the past, discouraged such signs.

Ms. Knight advised the Board that she had not planned to erect a sign on the property unless it was mandatory.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's day care center subject to no sign being permitted and subject to the circular drive being completed prior to the opening of the day care center, in an RS-3 District on the following described tract:

Lot 23, Block 42, Valley View Acres Second Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from an R District from 75' to 40' and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening requirement cannot be achieved in an IL District located at the northeast corner of Pine Street and 107th Street.

Presentation:

John Williams, representing the applicant, submitted the plot plan (Exhibit "C-1") requesting a variance of the setback requirements from 75' to 40' from an R District in order that the proposed structure might be constructed on the subject property which abuts the Mingo Valley Expressway. Because the Expressway is zoned RS-3 the 75' setback and screening are required; however, it was felt that the screening and 75' setback would serve no useful purpose because the property abuts the Expressway. Upon questioning by the Chair, Mr. Williams advised that the lots to the north and the one lot to the immediate south of the subject property are vacant at present; however, the Chair was advised that a similar request had been granted on the property farther to the south of the subject property.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) granted a Variance (Section 930-Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from an R District from 75' to 40'; and an Exception (Section 250.3(d)-Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening requirement cannot be achieved, per plot plan, in an IL District on the following described tract:

Lot 4, Block 3, Wolf Point Industrial Parkway West Addition
to the City of Tulsa, Oklahoma.

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build across a lot line in an RS-3 District located at 5818 South 31st West Avenue.

Presentation:

Murphy Jones submitted the plot plan (Exhibit "D-1"), requesting permission to build across lot lines as proposed on the plan.

Protests: None.

9395

Board Action:

On MOTION of JOLLY, the Board (4-0) granted a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build across a lot line, per plot plan, in an RS-3 District on the following described tract:

The South 50 feet of Lot 28 and the North 50 feet of Lot 27,
Block 2, Summit Parks Addition to the City of Tulsa, Okla.

9409

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to permit building across a lot line in an RS-3 District located at 139 South 34th West Avenue.

Presentation:

R. G. Meisenheimer submitted the plot plan (Exhibit "E-1") requesting permission to build across a lot line in order that the proposed addition might be made to his residence.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) granted a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build across a lot line, per plot plan, in an RS-3 District on the following described tract:

Lots 23 and 24, Block C, Joe Subdivision to the City of Tulsa, Oklahoma.

9411

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build across lot lines in an RM-1 District located between 19th and 21st Streets, Phoenix and Southwest Boulevard.

Presentation:

Tulsa Urban Renewal Authority was not represented; however, the Staff advised that the Authority had requested permission to build across existing platted 25' lot lines.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) granted a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build across lot lines in an RM-1 District on the following described tract:

Blocks 27 & 26, West Tulsa Amended Addition (Westbank Area II Urban Renewal Project, Okla. R-36) to the City of Tulsa, Okla.

2.17.77:230(9)

ADDITIONAL ITEMS:

Minutes
9300

The Staff advised that the Minutes of application #9300 had been broadened by the Staff in order that the applicant's entire presentation might be a part of the record. The applicant's presentation and the Board's final action are to be amended as follows:

Presentation:

Bob Yadon, architect representing the applicant, submitted the plot plan (Exhibit "D-1") of the proposed elementary school to be located on the subject property. Upon questioning with regard to access to the subject property, Mr. Yadon advised that the seller is responsible for constructing a paved street and storm sewer facilities on the property--the facilities to be completed by mid-summer. He advised that paving and drainage plans had been submitted to the City Engineer's Office for review, but he was not aware of the status of the plans at this time. When questioned concerning whether or not the property was located in the moratorium area, Mr. Yadon submitted a communication (Exhibit "D-2") from the City Engineer's Office advising that the property is not located within the moratorium.

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) to construct an elementary school as presented, per plot plan, in an RS-3 District.

There being no further business, the Chair declared the meeting adjourned at 2:36 p.m.

Date Approved

March 3, 1977



Chairman

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 231
Thursday, March 3, 1977, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Blessing Guerrero, Chairman Purser, Mrs. Smith	Jolly	Edwards Etter, Mrs. Gardner Jones	Jenkins, Building Inspector's Office Pauling, Legal Department

Chairman Guerrero called the meeting to order at 1:33 p.m. and declared a quorum present.

MINUTES:

On MOTION of PURSER, the Board (4-0) approved the Minutes of February 3, 1977 (No. 229) and the Minutes of February 17, 1977 (No. 230).

UNFINISHED BUSINESS:

9372

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate two mobile homes in an AG District located at 110th Street and Yale Avenue.

Presentation:

Lou Brayton, the applicant was not present.

The Staff advised that the application had been continued to this date in order that the application might be readvertised as a wrong legal had been submitted; however, the applicant had not provided a correct legal for advertising purposes.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) continued application 9372 to March 17, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, directing the Staff to notify the applicant that the application would be dispensed with at that time whether or not a correct legal is provided.

NEW APPLICATIONS:

9402

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1670) for a variance to permit the erection of a warehouse and maintenance facility in an RS-3 District located at 4927 South Tacoma Avenue.

9402 (continued)

Presentation:

Richard Morgan, the applicant, was present and agreed to a continuance of the application to April 7, 1977 pending a decision of the Supreme Court regarding use variances as explained by David Pauling, Assistant City Attorney.

Protests:

Unnamed protestants present had no objections to the continuance.

Board Action:

On MOTION of PURSER, the Board (4-0) continued application 9402 to April 7, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9387

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 100' to 79.80' from the center line of Utica Avenue in an IL District located at the northeast corner of Jasper Street and Utica Avenue.

Presentation:

Ray Painter submitted the plot plan (Exhibit "A-1") requesting a waiver of the front setback requirements from 100' to 79.80' in order that the proposed structure might be constructed on the southern portion of the subject tract, pointing out that this new structure would align with an existing building on the northern portion of the tract. Mr. Painter pointed out that a 90' setback is allowable if the setback is averaged as provided in the Code; however, a waiver is required in order that the building might be constructed as shown on the plan.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) granted a Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 100' to 79.80' from the center line of Utica Avenue, per plot plan, in an IL District on the following described tract:

Lots 7, 8 and 9, Block 6, Auto Heights Addition to the City of Tulsa, Oklahoma.

9388

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church purposes in an AG District located north and west of 121st Street and Peoria Avenue.

Presentation:

Rev. Troy Hayes submitted a plat (Exhibit "B-1") of the subject property and a plot plan (Exhibit "B-2") of the proposed structure requesting permission to utilize the property for church purposes and advising that the building plans have not been finalized. Rev. Hayes noted that a 30' easement was being provided at Peoria which has already been dedicated, pointing out that the structure will be set-back 100' from the center line of Peoria.

Mr. Gardner recommended that the approval be either subject to a plat, or subject to conditions which would meet the intent of a plat if required, such as drainage, right-of-way, etc.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 310-Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for church purposes, subject to required dedication, utility easements of record and approval of the drainage plans by the County Engineer, in an AG District on the following described tract:

A tract of ground situated in the Southeast Quarter of the Southeast Quarter (SE/4, SE/4) of Section 36, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma, and being more particularly described as follows, to-wit:

Beginning at a point on the East line of Section 36, 76.29 feet South of the Northeast corner of the Southeast Quarter of the Southeast Quarter; thence North $89^{\circ}-58'-9.99''$ West a distance of 360.0 feet; thence South parallel with the East line of Section 36 a distance of 303.71 feet; thence Easterly along a line parallel with the North line of the Southeast Quarter of the Southeast Quarter a distance of 360.0 feet to a point on the East line of Section 36; thence North along the East line of Section 36 a distance of 303.71 feet to the point of beginning, containing in all 2.51 acres.

Action Requested:

Exception (Section 630 - Principal Uses Permitted in the Office District - Under the Provisions of Section 1670) to erect a two-story building with 40% coverage in an OL District located southeast of 21st Street and Braden Avenue.

Presentation:

Dr. V. H. Trotter requested permission to erect a two-story structure with 40% lot coverage on the subject property.

Mr. Gardner questioned whether or not the land coverage is actually 40% or 20%, noting that a one-story structure is permitted a lot coverage of 40% while a two-story structure is permitted a lot coverage of 20%.

9389 (continued)

Dr. Trotter advised that the lot is 100' x 142' and that the total coverage for both floors is 40% or 5,680 square feet. He noted that the structure would be used for a dental and medical office, advising that he had not prepared a plot plan for this hearing as he wanted to be assured that he could obtain approval before spending the money to have the plans drawn.

Mr. Gardner advised that from a planning standpoint and the fact that the subject property is considered a buffer tract, the proposed use would be beneficial. He did suggest that the Board require a plot plan in order that the location of the structure, parking and ingress and egress might be reviewed by the Board and Staff.

Protests: None.

Board Action and Discussion:

BLESSING moved to continue the application to March 17, 1977 to await a plot plan, after which Board Member Smith noted that the applicant is wanting an indication from the Board as to whether or not the application is looked upon favorably prior to obtaining a plot plan. Board Member Purser gave her indication of approval, pointing out that it was not a promise as she did want to see the plot plan. Board Member Smith then noted that the Board is interested in the proposed location of the structure, parking, etc., prior to granting any approval. Mr. Gardner advised Dr. Trotter that the plans did not have to be detailed to the extent of type of building, interior plans, etc., but provide the location of the structure and other related items such as parking and access requested by the Board. Upon questioning, Dr. Trotter advised that the area residents were in favor of the previous application approved by the Board, feeling that they would not oppose the subject request.

On MOTION of BLESSING, the Board (4-0) continued application 9389 to March 17, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9391

Action Requested:

Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1214 - Shopping Goods and Services) to have retail sales in an IL District located northeast of 41st Street and 72nd East Avenue.

Presentation:

P. M. Stringer, Jr., requested permission to have retail sales on the subject property, noting that a building permit had been issued for the greenhouses to be a part of the expansion of the existing Stringer Brothers Nursery located south of 21st Street on Sheridan. With regard to the surrounding area, Mr. Stringer advised that Need-um Tire Company is located to the east, that a post office is located to the west and that retail businesses are located across the street.

Mr. Gardner pointed out that greenhouses are permitted by right as Use Unit 15 and garden supply sales are permitted by exception as Use Unit 14.

3.3.77:231(4)

9391 (continued)

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) approved an Exception (Section 910 - Principal Uses Permitted in Industrial Districts - Section 1214 - Shopping Goods and Services) to have retail sales in an IL District on the following described tract:

Lots 22 and 23, Block 1, Expressway Industrial and Commercial Center Addition to the City of Tulsa, Oklahoma.

9392

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District located at 6317 South 103rd East Avenue.

Presentation:

John Goedecke requested permission to maintain a mobile home on the subject property for his elderly mother for an additional year.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home for a period of one year subject to the customary removal bond in an RS-3 District on the following described tract:

The West 327.5' of Lot 2, Block 6, Union Gardens Addition to the City of Tulsa, Oklahoma.

9393

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for park use for improvement of Zink Park--improvements consisting of lights for existing tennis courts, additional tennis courts, playground equipment, picnic area, on-street parallel parking and landscaping--in an RS-3 District located southeast of 31st Street and Trenton Avenue.

Presentation:

Randy Nicholson, representing the City of Tulsa Park and Recreation Department, advised the Board that the Park Department had again filed an application for park improvements on the subject property after meeting on two occasions with the neighborhood residents.

Mr. Nicholson presented a rendering of the proposed improvements which consists of lighting for existing and proposed tennis courts, additional tennis courts, playground equipment, security lighting throughout the park area, a pedestrian bridge to connect the park to the small island

across the existing channel and picnic facilities on the island area. Also, proposed is on-street parallel parking on one-half of the street which is to be improved by the Park Department. Upon questioning, Mr. Nicholson pointed out that the Traffic Engineer had approved parallel parking on the right-of-way as off-street parking could not be provided without encroaching upon the park property.

Protests: None.

Interested Party:

Mrs. Lena Wright, 1504 East 33rd Street, requested an explanation of the proposed improvement plans regarding the picnic area and trash receptacles, after which Mr. Nicholson advised that the Park Maintenance Division will double park on 31st Street and walk to the trash receptacles for the pick up as may also be done on Trenton.

Upon questioning with regard to the landscaping, Mr. Nicholson advised that the landscaping proposed is to be near the playground area, with the ball diamonds to be located to the south of the tennis courts.

Mr. Gardner noted that a portion of the park is within the flood moratorium area which would require an exception from the City Commission if building permits were requested, after which Mr. Nicholson advised it was his understanding that no building permit was required for tennis courts or any of the work proposed.

The Board Members commended the Park Department for their consideration in working with the neighborhood residents during the past year.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for park improvements at Zink Park to consist of lights for existing and proposed tennis courts, additional tennis courts, playground equipment, picnic area, on-street parallel parking and landscaping, subject to the approval of the City Engineer were required, in an RS-3 District on the following described tract:

A tract of land in the Northeast Quarter of the Northwest Quarter of Section 19, Township 19 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point 1017 feet West of the Northeast corner of the Northeast Quarter of the Northwest Quarter of said Section 19; thence East along the North line of said Section 19 a distance of 187 feet to a point; thence South parallel to the West line of the Northeast Quarter of the Northwest Quarter of said Section 19, a distance of 660 feet to a point; thence West parallel to the North line of said Section 19, a distance of 187 feet to a point; thence North parallel to the West line of the Northeast Quarter of the Northwest Quarter of said Section 19 a distance of 660 feet to a point of beginning.

9394

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to use residence for an office in an RS-3 District located at 11535 East 28th Street.

Presentation:

Barry Buchanan, the applicant, was not present.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) continued application 9394 to March 17, 1977, 1:30 p.m., Langenheimer Auditorium, City Hall, Tulsa Civic Center.

9396

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property for Tulsa Post 577 Veterans of Foreign War in an RM-2 District located north and east of 6th St., and Norfolk Ave.

Presentation:

Jack Naifeh, attorney representing the VFW Post #577, presented several renderings for the Board's review while presenting his application to use property located to the immediate north of the existing VFW Post for an expansion of the existing Post. The property under application this date would provide 56 additional parking spaces for the Post which are badly needed to relieve the on-street parking that is occurring in the residential area as shown in the 10 photographs (Exhibit "C-1") provided the Board. He presented an architectural rendering of the structure that is proposed to be constructed on the subject property in the future when the existing building is razed and the existing property is then improved for parking purposes. He pointed out that the off-street parking would comply with the requirements of the City with regard to parking lots.

Protests: None.

Interested Party:

Mrs. Dan Stoltje, 1603 East 56th Street, advised the Board that she owns property located at 1012 East 5th Street. She questioned if the new structure and parking were under consideration at this time and was advised that both were being considered. She further advised the Board that she was in support of the application.

Mr. Naifeh, in his final remarks, advised the Board that it is the intention of the Post to submit a plot plan through the proper channels and make modifications that may be required to comply with all requirements and desires of the City.

3.3.77:231(7)

9396 (continued)

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use the property for Tulsa Post 577 Veterans of Foreign War, in concept and in accordance with the plan presented this date--a copy of which is to be submitted to the Board for filing purposes--in an RM-2 District on the following described tract:

Lots 4, 5, 6, 7, 8, & 9, Block 10, Central Park Place Addition to the City of Tulsa, Oklahoma.

9397

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District located in the 1600 Block of East 168th Street North.

Presentation:

George Creider requested permission to locate a mobile home on the subject property for residential purposes. He noted that a dead-end street is provided for access to the properties which contain eight mobile homes and four single-family residences.

Mr. Gardner advised that no time limit is required if it is felt that the development is a "wildcat subdivision," which it appears to be. Also, the applicant should be assured that the access is a legal access in order that his property will not be isolated.

Mr. Creider then advised that 168th Street North is a public blacktop street.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home for a period of five years in an AG District on the following described tract:

E/2, SW/4, NE/4, SW/4 of Section 7, Township 22 North, Range 13 East, Tulsa County, Oklahoma, LESS the South 25 feet thereof for road.

9398

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Duplexes) to erect two duplexes; and a

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the requirements to permit two duplexes in an RS-2 District located south and east of 33rd Street and Yale Avenue.

9399 (continued)

The Staff advised that the Planning Commission had approved the lot-split subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) granted a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 60' to 16.78' to permit a lot-split (L-1391) in an RS-3 District on the following described tract:

A tract of land in the SW/4 of Section 14, Township 19 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: Beginning at the northwest corner of Lot 1, Block 41, South Sheridan Acres Addition according to the recorded plat thereof; thence south along the west lines of Lots 1, 2, 3, and 4, said Block 41, a distance of 243.64 feet; thence west along the north lines of Lots 6, 7, 8 and 9, said Block 41, a distance of 213.91 feet; thence north along the east lines of Lots 12, 13, 14 and 15, said Block 41, a distance of 243.31 feet; thence east along the south right-of-way line of east 29th Street South, a distance of 213.91 feet to the Point of Beginning; LESS and EXCEPT the west 197.13 feet of the north 105 feet thereof.

9400

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-2 District located at 1415 East 73rd Street North.

Presentation:

Terry D. Scott, the applicant, was not present.

The Staff noted that the applicant was requesting an extension of the Board's previous approval to maintain a mobile home on the subject property for the same reasons as before.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home for a period of one year, subject to the customary removal bond, in an RS-2 District on the following described tract:

The East 50 feet of Lot 8; and the West 5 feet of Lot 9, Block 3, Golden Hills Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to rent trucks and trailers in a CS District located at the southwest corner of 21st Street and 129th East Avenue.

Presentation:

A representative of U-Haul Company of Tulsa advised the Board that the U-Haul operation could be located in the CS District but that approval of outside storage of trucks and trailers was required by the Board. Upon questioning with regard to the number of vehicles that would be parked outside, the Board was advised that the number would vary from 10 to 15 trucks and from 20 to 30 trailers and that they were required to be stored outside because of their size. He further pointed out that the property contains a DX service station which has been closed; however gasoline for the U-Haul trucks will be dispensed from the property. The Board was further advised that the operation under application was the same type as that located at 14th and Memorial.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to rent trucks and trailers to include outside storage, as presented, in a CS District on the following described tract:

Lot 3, and the East 25' of the North 175' and the North 25' of the East 175' of Lot 1, Block 1, Stacy Lynn Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to permit a sewer and drain cleaning business to include an indoor maintenance facility for sewer cleaning equipment in a CS District located at 8125 East Skelly Drive.

Presentation:

Eugene Brierly, president of Roto Rooter, advised the Board that he is proposing to purchase the Phillips 66 service station on the subject property to operate the Roto Rooter business from. The bays will be utilized for maintenance of the trucks and the office within the station will be used for the Roto Rooter offices. He noted that no fleet is maintained on the property as each of the employees takes his truck to his home. Mr. Brierly did point out that eight to ten trucks may be located on the property once a week when the men are getting their assignments, but generally only two cars would be located on the property.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 710 - Principal Uses Permitted in the Commercial Districts - Section 1215 - Other Trades and Services) to permit a sewer and drain cleaning business to include an indoor maintenance facility for sewer cleaning equipment, as presented, in a CS District on the following described tract:

A tract of land lying North of Interstate Highway #44 located in the Southwest Quarter of the Southwest Quarter of Section 13, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma, being more particularly described to-wit: Beginning at a point 141' East and 183.09' South of the Northwest Quarter of said Southwest Quarter of the Southwest Quarter; thence North parallel to the West line of said Section 13 a distance of 57' to a point; thence in a Northeasterly direction a distance of 110' to a point said point being 54.22' South and 224.27' East of said Northwest corner of the Southwest Quarter of the Southwest Quarter thence in a Southeasterly direction a distance of 150' to a point on the Northerly right-of-way line of Interstate Highway #44 said point being 167.77' South and 322.28' East of said Northwest corner of the Southwest Quarter of the Southwest Quarter; thence in a Southwesterly direction along the Northerly right-of-way line of Interstate Highway #44 a distance of 150.96' to a point; thence North parallel to the West line of said Section 13 a distance of 83.54' to a point; thence West parallel to the South line of Section 13 a distance of 67' to the point of beginning.

9404

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery in an RS-3 District located at 4909 East Haskell Place.

Presentation:

Rosetta Whitmire requested permission to operate a children's nursery on the subject property, noting that she will meet the requirements of the licensing bureau and that a circle drive will be provided. Upon questioning, she advised that she will not live on the premises, that she plans to operate the nursery from 7 a.m. to 6 p.m. and then 24-hours a day at a later date.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's nursery, as presented, subject to the approval being granted to this applicant only and subject to no signs being permitted, in an RS-3 District on the following described tract:

Lot 11, Block 1, Yale Crest Addition to the City of Tulsa,
Oklahoma.

3.3,77:231(12)

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services - to operate a cabinet shop; and an Exception (Section 250.3 (d) - Modification of the Screening Wall or Fence Requirements) to remove the screening requirements where the purpose of the screening requirement cannot be achieved in a CS District located at 4812 South 31st West Avenue.

Presentation:

Ronald Simpson advised the Board that at the time he filed the application he was not sure of the requirements and filed for an exception to the screening requirements; however, he has since noted that the exception is not necessary as the existing fence will serve as the screening fence.

With regard to the request to operate a cabinet shop, Mr. Simpson advised that he began operating a construction company on the property and when he filed for an occupancy permit he listed the operation as a cabinet shop. However, most of the structure is used for office space and the storage of a very small amount of building materials between jobs, noting that the operation is not set up for cabinet making. He noted that one table saw is maintained in the structure and a few materials that are left over from a job. Upon questioning, Mr. Simpson advised that there is a residence to the south and that he had spoken with the residents who had no objection to the operation.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved an Exception (Section 710-Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to operate a cabinet and construction shop as presented in a CS District on the following described tract:

Lots 34 and 35, Block 6, Carbondale Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 610 - Principal Uses Permitted in the Office District - Section 1205 - Community Services, Cultural and Recreational Facilities) for public park use in an AG, OM and IH District located on the west side of the Arkansas River between the 11th Street Bridge and 31st Street.

Presentation:

Jackie Bubenik, representing the River Parks Authority, presented a large rendering of the site plan (Exhibit "E-1") submitted with the application, noting the passive recreational area with related facilities under application this date.

9406 (continued)

Easterly right-of-way line of the Redfork Expressway to the intersection with the Meander line of the Arkansas River; thence Southeasterly along the Meander line to the intersection with the Northwestern line of said Block 6; thence Southwesterly along the Northwestern line of said Block 6 to the most Westerly corner thereof and the point of beginning.

9407

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the rear yard requirements from 25' to 15' in an RS-2 District located at 8152 South Pittsburg Avenue.

Presentation:

Paul Moore submitted the plot plan (Exhibit "F-1") requesting a variance of the rear yard requirements in order that the proposed structure might be constructed on the corner lot which creates the hardship.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) granted a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the rear yard requirements from 25' to 15', per plot plan, in an RS-2 District on the following described tract:

Lot 15, Block 3, Forest Creek II Addition to the City of Tulsa, Oklahoma.

9408

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District located northeast of 105th East Avenue and 101st Street South.

Presentation:

James Hawkins requested permission to locate a mobile home on the subject property for one of his employees on a temporary basis for three or four years. Mr. Hawkins advised that he operates a ranch and farm in the area and lives east of the subject property.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (4-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home for a period of five years in an AG District on the following described tract:

W/2, SW/4, SE/4 of Section 19, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

9418

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build across a lot line in an RS-2 District located at 13507 East 4th Place.

Presentation:

Mrs. W. R. Kirkes submitted the plot plan (Exhibit "G-1") requesting permission to build across a lot line in order that the addition might be constructed as proposed.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) granted a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build across a lot line, per plot plan, in an RS-2 District on the following described tract:

Lots 11 and 12, Block 1, Meadowbrook Heights Addition to the City of Tulsa, Oklahoma.

9434

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for permission to build across a lot line in an RS-3 District located at 1718 South Rockford Avenue.

Presentation:

David Robison submitted the plot plan (Exhibit "H-1") requesting permission to extend the existing residence across a lot line as proposed on the plan. He noted that a swimming pool would also be located on the tract containing the new addition.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) granted a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for permission to build across a lot line, per plot plan, in an RS-3 District on the following described tract:

Lot 3 and 4 and east 10' of adjacent vacated alley, Block 22, Orcutt Addition to the City of Tulsa, Oklahoma.

ADDITIONAL ITEMS:

9374

The Staff advised the Board that the approval of application 9374 was subject to the Board's review of final construction plans prior to the issuance of building permits.

In reviewing the plans, it was the consensus of the Board that the plans met the original approval granted February 3, 1977.

There being no objections, the Board accepted the plot plans (Exhibit "I-1") as being within the Board's original approval. 3.3.77:231(16)

Interpretation:

This is a Communication (Exhibit "J-1") and attached map from the Building Inspector's Office requesting an interpretation of Section 203, District Boundary Description and Interpretation, and the required building setback from an alley when the property line abuts an R District. Section 630, Bulk and Area Requirements in the Office Districts, requires a 10-foot building line setback from abutting R Districts. In his Communication, Mr. Jenkins questioned whether or not the 10-foot building setback is from the property line or the center of the alley if the property line abuts an alley and the alley is the residential zoning line. As an example, Mr. Jenkins noted CZM #37 as the zoning line covers the entire width of the alley, and on the same map the zoning line has been offset to the center of the alley and would allow part of the alley width to be used as setback footage. Where the zoning line covers the entire alley, Mr. Jenkins felt that the building setback would be from the property line and not from the center of the alley, however, he requested an interpretation from the Board with regard to this question.

In his comments to the Board, Mr. Gardner noted that he would treat the question of an alley as he would a street in that the setback would be 1/2 the alley plus an additional 10 feet. He noted that the instance presented this date, if 10 feet were calculated from the center line of the alley the structure would then be located directly on the property line. The Staff also noted the possibility of the alley being vacated as was done for the bank property to the west which would be a basis for granting a variance. Mr. Gardner felt that a blanket interpretation should not be made, but suggested that the setback be measured from the property line with relief being requested from the Board via a variance to the requirement.

It was the consensus of the Board that Section 203 be interpreted as requiring a 10-foot setback from the property with relief from the requirement being sought through the Board via a variance of the requirement.

Other Business:

The Staff suggested the Board have a luncheon March 17, 1977, to discuss the State Supreme Court's decision regarding principal use variances and what this will involve in the way of Code changes.

There being no further business, the Chair declared the meeting adjourned at 3:32 p.m.

Date of Approval

March 17, 1977



Chairman