

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 236  
Thursday, May 19, 1977, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

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

Chairman Guerrero called the meeting to order at 1:30 p.m. and declared a quorum present, and advising that approval of an application required three "aye" votes from the Board.

MINUTES:

On MOTION of SMITH, the Board (3-0) approved the Minutes of April 21, 1977 (No. 234).

UNFINISHED BUSINESS:

8984

Action Requested:

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

Presentation:

Charles Norman requested a continuance of the subject application, advising that all work had been completed with the exception of the completion of the screening fence--the fence being erected during the time requested for continuance.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) continued application 8984 to June 16, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

NEW APPLICATIONS:

9508

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1224 - Mining and Mineral Processing) to permit mining, quarrying, extraction and processing of mineral products in an IM and IH District located southeast of 36th Street North and the Mingo Valley Expressway.

Presentation:

Charles Norman, representing Anchor Stone Company, requested a continuance of the subject application to June 2, in order that the matter might be presented to a full Board, noting that he also was in the process of discussions and negotiations with adjacent property owners.

The Board pointed out that it is our policy to grant one continuance to either the applicant or the protestants when requested as a matter of courtesy.

Mr. Norman advised he would be willing to meet with any interested parties outside the Board meeting to further discuss the requested continuance or the application itself.

Protests:

Jim Eagleton, attorney for the protestants, advised the Board that 14 persons had taken time off from the jobs to attend the Board meeting, feeling that it was not appropriate to advertise a hearing for a date certain and then request a continuance to another date. Mr. Eagleton felt that this procedure was undertaken to wear down the protestants.

Board Action:

On MOTION of SMITH, the Board (3-0) continued application 9508 to June 2, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, noting that the application would be heard that date whether or not the applicant was present and prepared.

9492

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to locate a part-time, by appointment only, antique shop in an RM-1 District located at 120 North Gillette Avenue.

Presentation:

Harry Lentz, Jr., representing the owner of the subject property, advised the Board that his client is on a limited income and would like to purchase and repair antiques in his home in order that he might sell the antiques for additional income. The antiques, in addition to being those that he has purchased for repair, would be those that he owns and has grown tired of or those that he might have on consignment. Also, his client would like to have a newspaper ad with a phone number only listed in order that appointments

5.19.77:236(2)

9492 (continued)

can be made--approximately three patrons per day. Mr. Lentz submitted affidavits (Exhibit "A-1") in favor of the subject application, signed by nine residents in the immediate area who have no objection to the use. Because his client's house is hidden by trees, he would like to utilize a 4' x 20' sign that he has existing on the property.

Upon questioning, Mr. Lentz advised that he had told his client that no sign was permitted; however, he was aware that on some occasions a sign has been permitted. After the Chair advised that a separate application would be required to permit a sign on the property, Mr. Lentz withdrew his request for the erection of a sign on the property.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to permit a part-time, by appointment only, antique shop, as presented and subject to the approval being granted to this property owner only, in an RM-1 District on the following described tract:

Lot 4, Block 16, Cherokee Heights Addition to the City of Tulsa, Oklahoma.

9493

Action Requested:

Appeal (Section 1450 - Appeals from the Building Inspector) for refusing to permit a radioactive service company; and a Variance (Section 810 - Principal Uses Permitted in Corridor Districts - Under the Provisions of Section 1670) for a variance to permit the operation of a radioactive service company, the parking of trucks and the storage of photographic supplies in a CO District located at 8441 South Union Avenue.

Presentation:

Since the subject application is controversial in nature, John Sublett questioned whether or not the Board would, on its own, consider continuing the subject application to await a full complement of the Board, after which the Chair noted that the Board was prepared to hear the application this date and that any consideration of a continuance would be undertaken at the request of the applicant to continue the application. Mr. Sublett then requested the subject application be continued to June 2, 1977.

Upon questioning with regard to notice, Mr. Gardner advised of the definition of "notice" as provided in the Code, noting that there is a question of proper notice having been given in this instance. In reviewing the application, it was noted that the property owner also owns the property outside of a 300' radius of the ownership under application. It was the consensus of the Board that the application should be continued and that any question of proper notice should be studied during the time that the application has been continued.

Protests: None.

5.19.77:236(3)

9493 (continued)

Board Action:

On MOTION of SMITH, the Board (3-0) continued application 9493 to June 2, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center and directed that the question of notice be studied during this time and proper notice given if it has not already been accomplished.

9494

Action Requested:

Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1670) for a variance to permit the erection of a building to be used for the assembly of electrical components and equipment in an AG District located in the 7300 Block of West 7th Street.

Presentation:

Charles Sublett, the applicant, was not present. The Staff submitted a written request (Exhibit "B-1") from Mr. Sublett that the subject application be continued to June 2 as he was serving in the Air National Guard and was unable to attend this date.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) continued application 9494 to June 2, 1977, 1:30 p.m. Langenheim Auditorium, City Hall, Tulsa Civic Center.

9495

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a day care center and preschool in conjunction with St. Thomas More Church in an AG District located at 2720 South 129th East Avenue.

Presentation:

T. Austin Gavin, attorney representing St. Thomas More Church and Sister Sylvia Schmidt, advised that the Board had granted approval of the Church in October, 1974, and now the Church is requesting permission to operate a day care center and preschool in conjunction with the Church on the Church property.

Jack Gates, 10704 East 30th Street, also speaking on behalf of the Church, advised that a day care center had been operated at St. Matthew's but would be closed and St. Thomas More was approached with regard to operating a center and preschool as there is a need within the community for such a service. An addition to the existing structure is proposed in order that the center might have sufficient room in which to operate. Upon questioning, Mr. Gates advised that the center would be in operation between the hours of 7 a.m. and 6 p.m., five days per week (Monday through Friday), and that all

requirements of the State would be met. Upon further questioning, the Board was advised that the Church is located in the northeast corner of its 10-acre ownership, that there would be a separate entrance from the parking lot to the center, and that adequate parking was available to accommodate the center.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) approved an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a day care center and preschool in conjunction with St. Thomas More Church as presented, in an AG District on the following described tract:

A tract of land situated in the NE/4 of the SE/4 of Section 17, Township 19 North, Range 14 East, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Beginning at a point on the East Line of Said NE/4, SE/4, 290.00' South of the Northeast corner thereof; thence South  $0^{\circ}-9'-7''$  East and along the East line of Said NE/4, SE/4 for 329.00'; thence South  $89^{\circ}-59'-47''$  West for 100.00'; thence along a curve to the left with a radius of 392.03' for 320.81'; thence South  $43^{\circ}-6'-31''$  West for 189.54'; thence along a curve to the right with a radius of 392.03' for 320.81'; thence South  $89^{\circ}-59'-47''$  West for 50.00'; thence North  $0^{\circ}-9'-7''$  West for 715.58' to a point on the South Line of "Shannon Park Addition"; thence North  $89^{\circ}-59'-47''$  East and along the South Line of "Shannon Park Addition" for 852.91' to the point of beginning and containing 10.00 acres, more or less.

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places Other Than Drive-Ins) to operate a restaurant and permit an extension of the existing restaurant; and a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 75' to 12' from an R District and a variance of the frontage requirements from 150' to 80' in an IL District located at 4220 North Mingo Road.

Presentation:

Roy Johnson, Jr. presented a plot plan (Exhibit "C-1"), advising the Board that the property under application is his own property and the property to the north is owned by his mother. He advised of the service station on the northern portion of his property that is closed and outdated, noting that he is proposing to raze that structure and build a new structure to be used as an extension of the existing restaurant. Mr. Johnson noted that the property to the south of the subject property contains a nonconforming body shop and garage and he would like to build within 12' of that R District as opposed to the 75' required by the Zoning Code.

Upon questioning with regard to the nonconforming use to the south of the subject property, Mr. Gardner advised that should the nonconforming use cease it would then lose its nonconforming use status. The District Plan for this area calls for industrial and commercial development on the frontage; therefore, the property to the south, should the nonconforming use cease, more than likely will never be developed for residential purposes.

Under the terms of the new Zoning Code, the 150' frontage was felt to be necessary for separate uses and if the entire 215' were under one ownership and not lot-split, the variance would not be required with regard to frontage. If there are separate deeds held by he and his mother, the applicant will require the variance of the frontage.

Upon questioning by the Board, Mr. Johnson advised that separate deeds are held by he and his mother with regard to the subject property and her property to the north, pointing out that he could obtain a 99 year lease or contract to purchase the property to the north if the Board so required as he is to receive the property from his mother in the future. With regard to parking, Mr. Johnson advised that the same area utilized for parking for the service station would be utilized for parking for the restaurant facility.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places Other Than Drive-Ins) to operate a restaurant; and a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from 75' to 12' from an R District and a variance of the frontage requirements from 150' to 80', per plot plan, in an IL District on the following described tract:

The South 80' of Lot 1, Block 1, Mohawk Village Addition to the City of Tulsa, Oklahoma.

9500

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 20' to 9.5' in an RS-3 District located at 1617 East 56th Place.

Presentation:

Don Welch submitted the plot plan (Exhibit "D-1") and requested a variance of the rear yard in order that he might enlarge the existing residential structure to provide a playroom for his family, as the existing structure is not large enough for the entire family. Also, this is the only portion of the property that can be utilized for the addition to the structure.

Protests: None.

9501 (continued)

Dodd, too, felt that parking across the street to the west of the Church would be more suitable but there are no properties available and he felt that parking to the north at the edge of the residential area would be less destructive than providing parking lots directly across the street in the middle of the residential neighborhood. Upon questioning, Mr. Dodd advised that even with the two lots under application there would not be sufficient parking for the Church membership.

Board Member Smith advised he was not in support of the application as the Church is not presently utilizing the parking available on the Wilkerson Chevrolet lots and because of the fact that a similar application in North Tulsa was denied.

Board Action:

On MOTION of SMITH the Board (3-0) denied application 9501 in an RS-3 District on the following described tract:

Lots 3 and 4, and the North 10' of Lot 5, Block 2, Max Campbell Addition to the City of Tulsa, Oklahoma.

9502

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a day care center in an RS-3 District located at 1737 East Young Place.

Presentation:

Ladale Sanders, Jr., the applicant, requested permission to operate a day care center on the subject property, noting that 35 children can be cared for in the existing structure. With regard to adequate parking, Mr. Sanders advised that there is a one-car drive and that he and his wife plan to transport the majority of the children, with only a small number of parents transporting their own children. Upon questioning, Mr. Sanders advised that there is a nursery approximately a block from the subject property on the same street. He noted he had spoken with the neighbors across the street and also west of the subject property and they had no objections to the proposed use. Mr. Sanders further advised that he has lived in this area for 3 1/2 years and was aware of no flooding problems.

From a planning standpoint, Mr. Gardner noted that the Board should consider the location of the property with reference to the entire block, pointing out also that the property is located in the middle of the block and is also designated within the moratorium area.

Protests:

Mrs. George Dewitty, 2415 North Wheeling, advised the Board that she and her family purchased their residence in 1955 as did 95% of the residents in the area. With regard to flooding, Mrs. Dewitty advised that flooding had been experienced until a storm sewer was put in some

Board Action:

On MOTION of PURSER, the Board (3-0) 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 20' to 9.5', per plot plan, in an RS-3 District on the following described tract:

Lot 19, Block 10, of Blocks 9 through 12, Corona Heights Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 1680.1 (g) - Special Exceptions) to establish off-street parking to be used in conjunction with a church in an RS-3 District located at 1116 and 1120 South Columbia Avenue.

Presentation:

John Dodd, representing Tulsa Baptist Temple, advised the Board that the subject property, which is proposed for additional parking for the Church, is not located adjacent to any property that the Church now owns, but is located adjacent to other properties utilized for parking purposes. He noted that the Church has a contract for purchase of the two lots under application, subject to the approval of the Board. The Church is located at the corner of 12th and Columbia and additional parking for church purposes is necessary. Upon questioning, Mr. Dodd advised that there is parking on the east side of Columbia near the Church and approximately 30 cars can be parked on the property under application. Also, he noted that the Church has attempted to acquire other properties in the area closer to the Church, but there are no other properties available at the present time. Mr. Dodd advised that the Church utilizes the Woodrow Wilson School parking lot as well as its gymnasium and some classrooms, and the School in turn uses the Church parking lots when necessary. The two existing structures on the lots under application will be removed and the requirements of the Zoning Code pertaining to parking lots will be met.

Protests:

William Hickerson, 1136 South College, objected to additional parking in the residential area. He noted that the subject properties abut commercial property owned by Wilkerson Chevrolet, and he felt that there was adequate commercial property that could be leased for parking on Sundays which would prevent further destruction of the residential character of the neighborhood. Mr. Hickerson advised he did not object to the Church members parking on the street in front of his residence. Upon questioning, Mr. Hickerson felt that the removing of the residential structures from the properties to provide parking was a destruction of the residential character of the area.

Mr. Dodd advised, upon questioning, that the Church has permission to park on the properties to the north of the subject property; however, the properties are not readily utilized for parking by the members of the Church and he felt that possibly with the two lots under application being utilized for Church parking, that the congregation would utilize the properties to the north also. Mr.

10 years ago. She noted that the nursery on Lot 6 has been in operation for some 20 years and has continued to operate since that time. Because of the location of the existing nursery, Mrs. Dewitty questioned the feasibility of locating another such operation in the immediate area. She advised she was aware of the need for day care, but questioned the need for this much service in the immediate area. The existing nursery cares for approximately 100 children and the traffic generated by the operation in the early morning and late afternoon creates problems for the neighborhood residents.

Mrs. Leona Cobb, 1753 East Young Place, supported the statements Mrs. Dewitty made, advising that she lives next door to the existing nursery and is fully aware of the noise that can be created by a number of small children. She opposed the application.

Mrs. Sanders advised the Board that the protestants have voiced grievances against the existing nursery and did not feel that his center would create the problems that have been experienced with the operation of the existing nursery.

Board Action:

On MOTION of PURSER, the Board (3-0) denied application 9502 in an RS-3 District on the following described tract:

Lot 10, Block 1, Hunts Subdivision to the City of Tulsa, Okla.

9504

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property as a public park and to permit improvements to include tennis court lights, a municipal pool complex, a community center addition, curbing and sidewalks, playground equipment, landscaping and security lighting in an RS-3 District located northeast of Pine St., and Zunis Avenue.

Presentation:

Randy Nicholson, representing the City of Tulsa Park and Recreation Department, submitted the site plan (Exhibit "E-1" for Springdale Park noting that the existing parking facilities include a recreation center, parking, two tennis courts and a spray pool. As shown on the plan, the parking area is to be expanded with access from Pine into the front portion of the park area. Also, the recreation center is to be expanded 7,600 square feet along the southern portion of the existing facility in order that a gymnasium, new lobby, new restroom facilities, new game room, and bathhouse to serve the proposed municipal swimming pool can be provided. The lighting for the existing tennis courts is to be located interior. Upon questioning as to the development to the east of the property, Mr. Nicholson advised that there is a shopping center on that property to the east.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property as a public park and to permit improvements to include tennis court lights, a municipal pool complex, and a community center addition, curbing and sidewalks, playground equipment, landscaping and security lighting, per site plan, in an RS-3 District on the following described tract:

Lots 14 and 15, Prospect Place Addition to the City of Tulsa, Okla.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420.2 (c) - Accessory Uses in Residential Districts) to rent rooms in an RS-3 District located at 2136 East Mohawk Boulevard.

Presentation:

Robert McKown, the applicant, requested permission to rent five rooms located in a structure other than his residence--the rental structure also being located on the property containing the residence. Mr. McKown advised that he and his wife have been renting rooms as they were not aware that the use was not permitted without approval from the Board. Mr. McKown advised that he is disabled, on social security and in need of additional income. A two-story structure contains the rooms rented for sleeping, bath facilities are shared and there are no kitchen facilities.

With regard to Section 420.2 (c), Mr. Gardner noted that the applicant does not reside in the structure that contains the rooms for rent and the operation is more like a motel than just the renting of rooms. Approval to operate apartments on the property would be required to accommodate the applicant's use and that then becomes a use variance.

David Pauling, Assistant City Attorney, cited the definitions of "Dwelling unit", "single-family dwelling" and "family", noting that the Code would permit five persons to go together to rent a house, but would not permit five separate rental units in one structure.

Mr. Edwards advised that the notice did not specifically state that either an exception or variance was being requested, feeling that it could be expanded if the Board so desired. With this in mind, Mr. Pauling questioned notification in general, feeling that the notice should be more detailed and state whether or not an exception or variance was being requested.

In further discussion with regard to the applicant's operation, Mr. McKown advised that he has operated the use for five years on the subject property and did the same at his previous address. The Chair pointed out that the person who complained about the operation was not present to protest. Board Member Smith requested a letter be obtained from the Fire Marshal with regard to an inspection of the property and its use. Board Member Purser felt that the applicant should meet with

the Staff as she did not feel that the application was properly before the Board this date for approval. Mr. Pauling advised Mr. McKown that a license to rent rooms would be required even if the Board did choose to approve the subject application. The Board also advised Mr. McKown that the application would either require advertisement as a principal use variance or could be approved this date limiting the number of persons renting rooms to five.

Protests: None.

Board Action:

PURSER moved to approve the subject application for this applicant only, limiting the number of persons allowed to rent rooms to five at any one time for a period of two years at which time the applicant would return to the Board for additional review by the Board, in addition to their being no signs permitted on the property advertising the renting of the rooms and subject to there being no salvage of any kind being permitted on the property, after which Mr. Pauling advised that there is no provision in the Code for approval of this kind, noting that the Board can only advise the applicant that the Code provides that five persons not considered to be in the applicant's immediate family can reside on the property. The motion was then withdrawn, on advice of counsel.

On MOTION of SMITH, the Board (3-0) advised the applicant that the structure could be utilized for no more than five persons at any one time, that no signs were permitted by the Code, and that all other requirements applicable to the RS-3 zoning district are required to be met with regard to his renting of rooms; and no action was taken with regard to the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420.2 (c) - Accessory Uses in Residential Districts) to rent rooms, as the application was not properly before the Board, in an RS-3 District on the following described tract:

Beginning at the Southeast corner of NE/4, NE/4 of Section 19, Township 20 North, Range 13 East, Tulsa County, Oklahoma; thence North 110'; West 908.72'; thence North 168.62' to the right-of-way line of Mohawk Boulevard; thence 158.8' in a Northeasterly direction along said right-of-way line; thence South 253.12'; thence West 140' to the point of beginning.

Action Requested:

Variance (Section 240.2 (e) - Permitted Yard Obstructions - Accessory Buildings - Under the Provisions of Section 1670) for a variance of the coverage requirements for an accessory building in the rear yard from 750 square feet to 900 square feet in an RS-3 District located at 4217 South 36th West Avenue.

Presentation:

Marland Harper requested permission to erect a 900 square foot, two-car garage in his back yard in order that he might house his antique Packard and his camper in the structure. Upon questioning, Mr. Harper advised that the garage would be for his personal use only, that he would not be conducting a business of any kind from the structure, and that he

9507 (continued)

did not repair automobiles that did not belong to him. He advised further that he has an existing 7 1/2' x 15' detached garage that can be used for nothing except storage of his freezer, bicycles, etc. Immediate neighbors, with whom he has spoken, have no objection to the structure.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) granted a Variance (Section 240.2 (e)- Permitted Yard Obstructions - Accessory Buildings - Under the Provisions of Section 1670) for a variance of the coverage requirements for an accessory building from 750 square feet to 900 square feet, in the rear yard, as presented, in an RS-3 District on the following described tract:

Lot 3, Block 1, Southwest Gardens Addition to the City of Tulsa, Oklahoma.

9509

Action Requested:

Variance (Section 1320 (b) - Off-Street Parking and Loading - General Requirements - Under the Provisions of Section 1670) for a variance of the number of parking spaces in the front yard from 37.5 to 59 spaces in an RM-1 District located south and west of 95th East Avenue and 51st Street.

Presentation:

Jack Cummings submitted the plot plan (Exhibit "F-1"), advising that parking in the front yard is required to provide adequate parking for each unit within the proposed complex. Landscaping, Mr. Cummings pointed out, is proposed to provide screening from the residences to the north which also have a masonry fence on the subdivision property line.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) granted a Variance (Section 1320 (b) - Off-Street Parking and Loading - General Requirements - Under the Provisions of Section 1670) for a variance of the number of parking spaces in the front yard from 37.5 to 59, per plot plan including landscaping along 51st Street as presented in an RM-1 District on the following described tract (Note: Board Member Smith advised that his firm had undertaken the engineering work on the subdivision plat filed on the subject property; however, because three "aye" votes of the Board were required to approve an application, he would be required to second the motion and vote in favor of the application):

Lot 1, Block 1, 51st and Mingo Commercial Center Addition to the City of Tulsa, Oklahoma.

9510

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to operate a car wash in a CS District located south and east of 16th Street and Memorial Drive.

Presentation:

Mark Hoskins, the applicant, was not present.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) continued application 9511 to June 2, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and directed the Staff to advise the applicant of the continuance and that he should be present at the next meeting.

9511

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) to erect three duplexes; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the frontage requirements from 75' to 18' to permit duplex development and a lot-split (L-14004) in an RS-3 District located at 6040 South Rockford Avenue.

Presentation:

Don Fitzwater, representing the applicant, submitted a plot plan (Exhibit "G-1") and advised the Board that he is requesting permission to erect three one-story duplex structures on the subject property. The structures are to be 40% brick and 60% wood construction, contemporary in design, energy conscious, and compatible with the existing development in the area. Mr. Fitzwater further advised that the Planning Commission had approved lot-split #14004 with 18' of frontage to permit access, subject to the approval of the frontage by the Board.

From a planning standpoint, Mr. Gardner pointed out that there is adequate area contained within the property for the development, noting that the use is compatible with the existing development.

Upon questioning by the Board, Mr. Fitzwater advised that there are single-family residences to the north that are smaller structures than the approximate 2,000 square foot structures located to the south. There is an existing frame structure on the property at present, in addition to a sewer line which runs through the property. With regard to the proposed duplex structures, Mr. Fitzwater advised that the two rear structures are a total of 2,000 square feet each in size priced at \$55,000, with the remaining structure being a total of 3,190 square feet in size priced at \$70,000.

Protests:

Peg Moydell, 6033 South Rockford Avenue, advised the Board that she and her family have resided in the area for two years and feel that the area should remain single-family residential in character. She advised that the structure to the north is approximately \$50,000 in value, while the structure to the south is between \$35,000 and \$40,000 in value. She felt that the duplexes would devalue other residential properties in the area.

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9511 (continued)

Mrs. Moydell advised that her home contains 1,600 square feet and faces Rockford Avenue as do other residences on the east side of Rockford.

Mr. Fitzwater pointed out that the development is planned to be high-quality with each unit having a 1 3/4 bath and fireplace. He noted the apartment complex is located 300 yards from the subject property, feeling that the duplex development would not devalue the area, but increase property values as opposed to the existing development on the property. Further, Mr. Fitzwater advised that the development proposed is self-contained in that the larger structure faces north rather than facing Rockford and that the two smaller structures are located interior to the east of Rockford--the larger structure siding to Rockford.

The Staff pointed out that a mailgram (Exhibit "G-2") had been received from Josephine Clark Lubin of Richardson, Texas, owner of property in the area, opposing the subject application on the grounds of increased traffic and the fact that the property would not be large enough in size to accommodate three duplex structures, thereby decreasing property values in the area.

Board Action:

On MOTION of SMITH, the Board (3-0) continued application 9511 to June 2, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, in order that the Board might have sufficient time in which to look at the property and surrounding area and study the request in more detail.

9512

Action Requested:

Variance (Section 420.2 (d) - Accessory Use Conditions in Residential Districts - Under the Provisions of Section 1670) to erect a sign 9'8" high and 8' x 7' in size for a church in an RS-3 District located at 5600 South Lewis Avenue.

Presentation:

Robert Wynn, representing A-Max Sign Company, submitted the plot plan (Exhibit "H-1") to the Board requesting permission to erect a new sign 9'8" high and 56 square feet in size 25 to 30 feet north of the location of the old sign which has been removed.

Mr. Gardner pointed out that the Code permits one sign on each street frontage the total of which would exceed the amount of square footage requested. Therefore, he felt that one larger sign on Lewis Avenue would be more appropriate and the Board could make the restriction that no other signs be permitted.

Protests: None.

Board Action:

On MOTION of PURSER, the Board (3-0) granted a Variance (Section 420.2 (d) - Accessory Use Conditions in Residential Districts - Under the Provisions of Section 1670) to erect one sign 9'8" in height and 56 square feet in size for a church, per plot plan, subject to no other signs being permitted in an RS-3 District on the following described tract:

9512 (continued)

The East 50' of the North 358' of the East 608' of the NE/4, SE/4, of Section 31, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

9513

Action Requested:

Variance (Section 710 - Principal Uses Permitted in Commercial Districts- Section 1209 - Mobile Home Dwelling) to locate a mobile home in a CH District located at 6155 North Peoria Avenue.

Presentation:

Darrell Vaughn advised the Board that he owns the ceramic shop located on the subject property and he would like to place a mobile home behind the shop for himself and family. If he were permitted to live on the property where the shop is located he could oversee the kilns which provide excess heat and must be regulated during the heating process. His being near the shop would be for safety and security reasons. Upon questioning, Mr. Vaughn advised there is a mobile home park four blocks from the subject property.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) granted a Variance (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1209 - Mobile Home Dwelling) to locate a mobile home in a CH District for security purposes on the following described tract:

Lot 4, Bussman Addition to the City of Tulsa, Oklahoma.

9515

Action Requested:

Variance (Section 610 - Principal Uses Permitted in the Office Districts- Under the Provisions of Section 1670) for a variance to permit a mobile home in an OL District located at 2340 East 46th Street North.

Presentation:

Thelma Perryman requested permission to locate a mobile home on the subject property, which contains her residence, in order that she might care for an elderly friend who needs care. The friend has only one relative who is older than herself and therefore unable to help. The mobile home will be located 201' from the neighbor to the west and 10' from the store to the east. She advised she had spoken with the neighbors and there were no objections.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) granted a Variance (Section 610 - Principal Uses Permitted in the Office Districts - Under the Provisions of Section 1670) for a variance to permit a mobile home for the applicant to care for her friend only, subject to the mobile home being removed when it is no longer needed for the care of the friend, in an OL District on the following described tract:

5.19.77:236(15)

9515 (continued)

The West 206' of the East 396' of the North 220' of the NE/4 of Section 18, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

9516

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 at 5835 South 81st West Avenue.

Presentation:

Gene Cummings requested permission to locate a mobile home on the subject property which is 15 acres in size, advising that he leases 115 acres upon which he oversees his cattle and two oil wells. Upon questioning, he advised he had a deed for an access easement through his sister-in-law's property.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) 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:

The S/2 of SE/4 of NW/4 of SW/4 and the NE/4 of SW/4 of SW/4 of Section 31, Township 19 North, Range 12 East, and a circular tract of land 100' in diameter, the center of which is an oil well designated Cummings No. 2, located adjacent to the East line of the N/2 NE/4, SW/4, SW/4 of said Section 31, reserving to the grantor, her heirs and assigns, an easement and right-of-way for a roadway and utilities upon the East 25' of said land and also granting and conveying unto the grantees an easement for a roadway and utilities 25' in width, being 12½' on either side of the North boundary line of the S/2 NW/4 SW/4 SW/4 of said Section 31, Township 19 North, Range 12 East, reserving to the grantor, her heirs and assigns, the right to the full use and enjoyment of such easement and right-of-way.

9522

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 20' to 17.17' in an RS-3 District located at 208 East Marshall.

Presentation:

James Crockett submitted the plot plan (Exhibit "I-1") requesting a variance of the rear yard, and pointing out the error in the planned structure for the odd-shaped lot in question.

Protests: None.

9522 (continued)

Board Action:

On MOTION of PURSER, the Board (3-0) granted a Minor Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1630) for a variance of the rear yard requirements, per plot plan, from 20' to 17.17' in an RS-3 District on the following described tract:

Lot 1, Block 4, Unity Addition to the City of Tulsa, Oklahoma.

9528

Action Requested:

Minor Exception (Section 1221.5 (5) - Business Signs and Outdoor Advertising - CS District Use Conditions - Under the Provisions of Section 1630) to enlarge a sign to 165 square feet in a CS District located at the southwest corner of 51st and Lewis.

Presentation:

Mike Moydell requested permission to enlarge the proposed sign to 165 square feet, advising that the sign is the standard wall sign for Wendy's that is attached to the structure and is located behind the building setback line.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) approved a Minor Exception (Section 1221.5 - Business Signs and Outdoor Advertising - CS District Use Conditions - Under the Provisions of Section 1630) to enlarge a wall sign to 165 square feet in a CS District on the following described tract:

The East 123' of Lot 1, Block 3, Perry's Subdivision to the City of Tulsa, Tulsa County, Oklahoma, according to the duly recorded plat thereof, LESS a tract of land lying in the East 123.00' of Lot 1, Block 3, Perry's Subdivision to the City of Tulsa, Tulsa County, Oklahoma, according to the duly recorded plat thereof and being more particularly described as follows to-wit: Beginning at the NE corner of said Lot 1; thence South along the East line of said Lot 1 a distance of 145.00' to a point; thence in a Northwesterly direction along a straight line a distance of 116.10' to a point 29.00' South and 4.00' West of the NE corner of said Lot 1; thence continuing in a Northwesterly direction along a curve to the left having a radius of 35.00' to a point on the North line of said Lot 1, 21.00' West of the NE corner; thence East along said North line a distance of 21.00' to the point of beginning.

9529

Action Requested:

Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the rear yard requirements from 25' to 20' in an RS-2 District located at 3266 South Florence.

5.19.77:236(17)

Presentation:

Donald McCormick, the applicant, was not present. The Staff presented the plot plan (Exhibit "J-1"), which depicts where the structure is to be placed on the property. The tract is a corner lot.

Protests: None.

Board Action:

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

Lot 6, Block 5, Charlane Estates Addition to the City of Tulsa, Oklahoma.

Action Requested:

Minor Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) for a variance of the frontage requirements from 300' to 130' to permit a lot-split (L-13995) in an AG District located at 9333 South 33rd West Avenue.

Presentation:

Andrew Allen, the applicant, was not present. The Staff advised that the lot-split had been approved by the Planning Commission, subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (3-0) granted a Minor Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) for a variance of the frontage requirements from 300' to 130' to permit a lot-split (L-13995) in an AG District on the following described tract:

A tract of land located in the SW/4 NW/4 Section 22, Township 18 North, Range 12 East, described by Metes and Bounds as follows: Beginning at a point 470' South and along the West line of the SW/4 NW/4 of Section 22; thence South 89°-59' East 569.19' to the center line of Nickel Creek; thence Southerly 52.26' along the center line of Nickel Creek to a point; thence South 89°-59' East 308.25' to a point; thence South 15°-30' East 80.59' to a point on the center line of Nickel Creek; thence North 89°-59' West 897.77' to a point on the West line of the SW/4 NW/4 of Section 22; thence North 130' to the point of beginning. The above described tract of land contains 2.3 acres more or less located in Tulsa County, Oklahoma.

ADDITIONAL ITEMS:

9421

Mr. Jones advised the Board that at its previous meeting the Board had continued the subject application to June 16 to await further action on the applicant's request for an exception to the moratorium. Since the last meeting the exception has been granted by the City Commission and the preliminary plat filed and approved by the Planning Commission. The applicant is now requesting that the application be heard this date rather than June 16 as there have been no protests at the previous presentations of the application.

Mr. Gardner pointed out that the application had been continued to a date certain and should the application be heard this date a notice problem may arise in the future for the applicant. It was pointed out that only one notice had been mailed and that was to Helmerich & Payne.

Ed Bates, representing the Frates Company, noted that the object of the application is to make two specific pieces of property out of the Company's entire ownership available for development. During the Planning Commission meeting, the Commission approved the preliminary plat, giving the go ahead with the Board application with a notation that for future sites rezoning should be obtained to keep the number of Board applications from becoming too numerous. Development of the property has been delayed for a period of time because of the moratorium, and if approval could be granted this date, plans could be begun for development on the two properties under application. With regard to notice, Mr. Bates pointed out that Helmerich & Payne would have no objection as they are working with Frates with regard to water and sewer lines between the two properties to be developed.

David Pauling, Assistant City Attorney, advised that the application cannot be heard this date because it was continued to a date certain; however, if the applicant desires to readvertise the application for June 2, the application could be heard that date rather than June 16, after which Mr. Bates advised that the readvertising of the application for hearing on June 2 would be acceptable.

Interpretation:

This is a request from Paul Jenkins, Zoning Inspector, for an interpretation regarding access easements from an interior property to a public street. Mr. Jenkins submitted a general warranty deed (Exhibit "K-1") between John and Sylvia Reinhart and James and Judith Murray which provides that a 50' strip in addition to their property has been purchased for access easement purposes.

David Pauling, Assistant City Attorney, advised that there would be no problem if this were a fee ownership, pointing out later in discussion that there would be no problem if the Board were satisfied that there is a legal tie.

Mr. Gardner was concerned with a blanket interpretation being made, feeling that each item should be reviewed on an individual basis. This also was the consensus of the Board.

Interpretation: (continued)

On MOTION of SMITH, the Board (3-0) accepted the General Warranty Deed filed in Book 4260 on Page 2330 as it meets the street and frontage requirements of Section 207 of the Zoning Code, thereby permitting the building permit to be issued if all other requirements have been met.

There being no further business, the Chair declared the meeting adjourned at 4:10 p.m.

Date Approved

June 16, 1977

Walter R. Riser

Chairman