

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 238
Thursday, June 16, 1977, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

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

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

MINUTES:

On MOTION of JOLLY, the Board (4-0) approved the Minutes of May 19, 1977 (No. 236).

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 an 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 advised the Board that the fence posts had been set and that the fence was to be completed by the end of the week; therefore, he requested the application be stricken at this point.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) declared the application stricken from the agenda, with the applicant having fulfilled the requirements of the Board, in a CS District.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplexes) to erect three duplexes; a Minor Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) to build across a lot line; and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) for a variance of the lot area requirements for a duplex from 9,000 square feet to 8,556 square feet in an RS-3 District located northeast of 71st Street and Indianapolis Avenue.

Presentation:

The Staff submitted a request (Exhibit "A-1") from the applicant, Reg McClish, that the application be continued in order that a drainage study of the property in question might be completed. He requested a continuance to June 30, 1977.

Protests:

George Thompson, attorney representing area residents, advised the Board that he was in support of the continuance with the understanding that the drainage plans would be approved by the City Engineer prior to their being submitted to the Board.

In Board discussion it was felt that a period of time longer than the requested continuance would be necessary in order that the drainage study would be completed and reviewed by the City Engineer.

Board Action:

On MOTION of JOLLY, the Board 3-0-1 (with Smith "abstaining") continued application 9466 to July 21, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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, attorney representing the applicant, advised the Board that he had made his presentation to the Board at the previous meeting and the application was continued to this date in order that the site plan (Exhibit "B-1") and a written statement (Exhibit "B-2") as required in the Rules of Procedure for principal use variances might be submitted.

The Board reviewed Mr. Sublett's statement which advised that the topography of the property was such that the property was not suitable for residential development, the fact being evidenced by steep grades as shown on the Plan submitted and also by the fact that the

area is designated Development Sensitive on the Plan Map for the area in question. The statement also pointed out that the City uses a part of the north and west portion of the property as a sanitary landfill. In addition, there are numerous capped and non-producing oil wells on the property and covered slush pits which also cause problems for the development of the property.

With regard to the District Plan for the area, Mr. Sublett noted in his statement that the Plan calls for medium-intensity residential development in this area. Although the application submitted is not in accordance with this planned development, he pointed out that it would not cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code due to the fact that the use requested is small, unobtrusive and not unlike the numerous similar uses which are being made of the property in the immediate vicinity. Finally, Mr. Sublett pointed out that the residents contacted have consented to the application being granted, thereby agreeing that it will not result in a detriment to their use of their nearby properties. Also, the Sand Springs Board of Adjustment has unanimously recommended approval of the application.

Upon questioning by the Board, Mr. Sublett advised that Mr. Isley planned to construct a one-story metal structure of good quality materials. Mr. Isley advised that his brother helps in the operation on a part-time basis and that he also hires two persons in the evening on a part-time basis on occasion.

With regard to Staff comments concerning the application, Mr. Gardner pointed out that the eastern portion of the property is a natural drainage area and that there is a mobile home on the 17-acre tract in addition to the residence and proposed business. Also, Mr. Gardner noted that the Staff still had some question with regard to the uniqueness of the application, feeling that the variance, if supported by the Board, should be subject to conditions similar to those contained within a home occupation so that the use would be more of an accessory than principal use.

Mr. Sublett advised the Board that his client would be willing to accept any conditions of the Board, noting that he himself would be more comfortable with a home occupation approval rather than a principal use variance. Should the Board support moving the structure, Mr. Sublett advised his client would have no objections--the proposed location having been chosen as it was the most level portion of the property.

Protests: None.

In discussion of the application, Board Member Smith advised that he had viewed the property and felt that the location as proposed was more suitable than moving the structure.

Board Action:

On MOTION of SMITH, the Board (4-0) granted a 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, per plot plan, to be used for the assembly of electrical components and equipment, subject to the rules of a home occupation with the exception that the owner of the operation does not have to reside on the property, in an AG District on the following described tract:

West 147.5' of the East 447.5' of the South 200' of the SW/4, of Section 6, Township 19 North, Range 12 East, Tulsa, Tulsa County, Oklahoma.

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, was not present. The Staff referred to a letter (previously submitted) from a neighbor which advises that she did not get notice of the original hearing and that the operation is not what was represented to the Board by the applicant. The Staff reviewed the mailing notice list and advised that the neighbor's name was not listed.

David Pauling, Assistant City Attorney, pointed out that the property appears to be within 300' of the subject property; therefore, it is the burden of the applicant to provide a proper mailing list for notice purposes.

Mr. McKown advised the Board that he had received the names and addresses of those property owners within 300' of the subject property that would not object to the application. The only name that was not submitted was the neighbor writing the letter as she was not in favor of the application.

For information purposes, the Board reviewed the Minutes of its meeting when the application was originally presented.

Mr. Pauling advised the Board that improper notice had been given; however, the action on May 19 was not valid if proper notice was not given. Should the Board wish to proceed with the complaint concerning the use of the property, a continuance is required as is proper notice.

Mr. McKown was advised that all persons within 300' of the subject property had to be notified, not just those in favor of the application. Board Member Jolly suggested the Staff give Mr. McKown a copy of the protest letter in order that he might be aware of the complaint that has been filed.

Mr. Pauling advised that the application should be advertised as a Variance rather than an Exception when it is readvertised in order that the Board can review the desires of the applicant, noting that the same case number could be utilized.

Protests: None present.

9506 (continued)

Board Action:

On MOTION of JOLLY, the Board (4-0) continued application 9506 to July 21, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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:

Darrell Eden, representing the applicant, submitted the plot plan (Exhibit "C-1") and a photograph (Exhibit "C-2") of the proposed car wash facility to be erected on the subject property. Upon questioning by the Board, Bob Hoskins advised that the car wash would be a self-service operation open 24 hours per day with an attendant on duty 10 hours per day on Saturdays and Sundays, and on duty only four hours per day on weekdays.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (3-1, with Guerrero voting "nay") denied application 9510 in a CS District on the following described tract:

Lot 2, Block 1, John Calvin Addition to the City of Tulsa, Okla.

9520

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1670) to erect a porte-cochere 14' from the front property line in an RS-2 District located at 3113 South Florence Street.

Presentation:

John Wilkins submitted the plot plan (Exhibit "D-1") requesting permission to erect the porte-cochere per plan to enhance the appearance of the residential structure. He pointed out that building permits for additions to the home had been obtained, but additional approval would be required to add the porte-cochere. Mr. Wilkins, upon questioning by the Board, advised that there are two drives and that one could possibly be closed with access to the property being gained from Florence; however he had discussed the possibility of closing the access with the property owners and they may wish to leave the second point of access open to 31st Street. The porte-cochere will consist of columns with a roof and will not be enclosed.

9520 (continued)

Because of the manner in which the structure sits on the property it more than likely presently blocks visibility for the structure from the south. He pointed out that the property is located within the moratorium, but it was his understanding that the exception had been granted by the City Commission. He suggested that the Board might condition its approval with regard to the moratorium for assurance.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) granted a Variance (Section 430 - Bulk and Area Requirements in the Residential District - Under the Provisions of Section 1670) to erect a porte-cochere 14' from the front property line, per plot plan and subject to the moratorium exception being obtained from the City Commission, in an RS-2 District on the following described tract:

Lot 21, Block 4, Ranch Acres Addition to the City of Tulsa, Okla.

9521

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Home Dwelling) to locate a mobile home in an AG District located at 101st Street and South Harvard Ave.

Presentation:

William Scheurich advised the Board that the application had been continued to this date because there was a protestant at the previous hearing that had left prior to the application's being presented. He noted that the subject property is a 350' x 450' tract located in the center of the overall 30-acre ownership. The mobile home is requested as security for the stables located on the property and for an indefinite period of time. Upon questioning by the Board, Mr. Scheurich advised that the owner of the property owns the stables also and trains his own polo ponies on the property.

Mr. Gardner advised the Board that the property is located within the moratorium and will require an exception from the City Commission.

Protests: None.

The Staff advised that the previous protestant was concerned with the exact location of the property under application and had no objections to this application.

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 Home Dwelling) to locate a mobile home for a period of five years, subject to an exception to the moratorium being obtained, in an AG District on the following described tract:

Beginning at a point 850' West and 450' North of the SE corner of the NE/4 of Section 32, Township 18 North, Range 13 East; thence North 450'; thence West 350'; thence South 400'; thence East 350' to the point of beginning, containing 3.62 acres, more or less.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing) to operate a quarry and asphalt producing plant in an AG District located at 12859 East 46th Street North.

Presentation:

Charles Norman, attorney representing Anchor Stone Company, advised the Board that during the previous hearing of the application the question of the nonconforming use arose. The present manager of the Company has been the manager since 1969 and was not aware of the background information to determine the nonconforming status of the operation as required. Mr. Norman presented an aerial photo (Exhibit "E-1") of the entire 80 acres under application, pointing out that the entire property is extensively quarried. He also submitted a communication (Exhibit "E-2") from Robert Pleasant, Chairman of the North Side State Bank, which advised that in 1942 a charter was received for Anchor Stone and Materials Company to operate a rock quarry and crushing plant on the subject property. This Company and its successor (Anchor Stone Company) have operated this facility at this location and are doing so at this time. Mr. Pleasant further advised that Anchor Stone Company was licensed in 1959. Also, Mr. Norman pointed out that Harry Burnett, an employee of Anchor Stone Company, worked continuously at the quarry since 1945 and was present to answer questions should the Board have any regarding the continuity of the operation.

Mr. Norman noted that the subject property is zoned AG even though the properties to the south and west are zoned either IM or IH and no Board approval had ever been granted the quarry operation. The application was necessarily brought to the Board after the Company attempted to obtain a permit for an additional structure on the property. The application, as filed, is a request for permission to operate a quarry and asphalt producing plant, Use Unit 24, in the AG District so as to recognize the validity of the operation and make possible the issuance of the permit for the additional structure on the property.

Upon questioning by the Board, David Pauling, Assistant City Attorney, advised that June, 1962 would be the date to be considered in establishing the nonconforming status of the operation, after which Mr. Norman pointed out that the use has been operating continuously since the 1940's.

Upon questioning by the Board, Harry Burnett, 1531 East 68th Street North, advised the Board that he had been employed at the quarry since December, 1945 and that the quarry has been operating since that time. He further noted that he had been the shovel and head equipment operator since that time.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) granted an Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1224 - Mining and Mineral Processing) to operate a quarry and asphalt producing plant as presented in an AG District on the following described tract:

9523 (continued)

The E/2, SE/4 of Section 8, Township 20 North, Range 14 East, Tulsa County, Oklahoma, except the North, South, East and West 300 feet thereof.

NEW APPLICATIONS:

9538

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home on the property and request to place a second mobile home on the property in an RS-3 District located at 4623 North Victor Avenue.

Presentation:

Lydia Johnson advised the Board that one mobile home had been granted on the subject property five or six years ago and that she had returned each year when she received notice that the additional approval each year was required. When she requested approval for the second mobile home, she found that the approval for the first mobile home had terminated. She noted that she had not received notice that it was necessary for her to return to the Board, therefore she had not done so.

Mrs. Johnson advised that her mother, who is 75 and a widow, still resides in the first mobile home and will the rest of her life and that she was requesting approval of the second mobile home in order that her daughter and son-in-law might reside on the property on a temporary basis until they get their own permanent residence. She noted that she was requesting approval of the first mobile home and also the second mobile home on the property which abuts her own property.

Upon questioning, Mrs. Johnson advised that she owns the property to the south, that the property to the west is vacant and that there is residential development on the property to the north. Further she pointed out that there was a mobile home on 46th Street North to the east at one time and that the nearest mobile home park is at 6500 North Lewis Avenue.

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 on the property and to permit a second mobile home on the property, for a period of one year each, subject to the customary removal bond, in an RS-3 District on the following described tract:

The North 425 feet of Lot 9, Block 2, North Highland Acres Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-1 District located at 3363 South 63rd West Avenue.

Presentation:

Mrs. H. B. Byrd advised the Board that her husband was forced to take a medical retirement and that they had purchased the subject property upon which to place a mobile home for residential purposes. She noted that they also have an 8' x 16' storage building on the property. Upon questioning, Mrs. Byrd advised that there are other mobile homes in the area to the north and east.

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-1 District on the following described tract:

Lot 6, Block 3, Berryhill Acres Addition to the City of Tulsa, Ok.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for hospital use of property to permit off-street parking for the Staff of St. John's Medical Center in an RS-3 District located on the north side of 19th Street between Victor and Wheeling Avenues.

Presentation:

Charles Norman, representing St. John's Medical Center, Inc., advised the Board that St. John's proposes to add a parking facility on the five lots between Victor and Wheeling under application. He submitted seven photographs (Exhibit "F-1") of the immediate and surrounding area which noted the various parking facilities in the area of the hospital. Mr. Norman pointed out that there presently exists on two of the five lots under application a temporary parking facility approved by the Board in 1974 to provide off-street parking during the construction phase of the new hospital facilities. In 1974 the hospital also submitted an outline of planned parking facilities for the total complex. The Zoning Code requires one parking space per hospital bed which has been found to be entirely inadequate and the hospital administrators feel that one and one-half spaces per bed is more appropriate for the complex which provides out-patient facilities. During the reconstruction, the hospital has 603 beds and 842 off-street parking spaces including the new garage and the parkade on 21st Street. Presently under construction is an underground facility for visitors which will add 103 parking spaces. The five lots under application would provide an additional 94 parking spaces per the site plan submitted (Exhibit "F-2"). The total proposed parking capacity, including the visitor parking lot at 19th and Utica is 1,174 parking spaces for a total projected bed capacity of 723.

In reviewing the plan submitted, Mr. Norman advised that the hospital plans to include two lots north of the existing residence which it does not own and three lots fronting Wheeling. Although the temporary lot has inadequate screening and surfacing at present, Mr. Norman pointed out that the proposal before the Board provides for a 6' solid screening fence on all boundaries with the exception of the west where the lot is to be adjacent OM zoning. Low-level lighting directed away from the residences to the north and hard surfacing per the standards of the Board are also proposed.

Upon questioning by the Board with regard to two letters (Exhibit "F-3") of protest concerning muddy parking areas, Mr. Norman noted that the lots in question in the letters are Lots 9 and 16 which were granted temporary approval by the Board in 1974 and provided surfacing to cut-down the dust in the area. These two lots, in addition to the three others before the Board this date, will be screened, landscaped and developed per the Board's standards. Mr. Norman pointed out that all wood will be removed from the lots and three large trees will be preserved. The existing two temporary lots will receive two inches of asphalt as a covering, while the three remaining lots would have four inches of crushed rock with a three-inch asphalt overlay, which Board Member Smith advised was in excess of the Board's minimum requirements.

The Staff submitted a communication (Exhibit "F-4") from the Vision 2000 Swan Lake Sector representative, District 6 representative, and a Lewiston Gardens Homeowners Association representative which requested that the subject application be delayed until such time as the special zoning study which was prompted by the 21st and Yorktown zoning case has been completed.

Protests:

Ed Larocque, 1763 South Victor Avenue, advised of the traffic that the neighborhood experiences from the medical center at present. He felt that the entrance and exit to the proposed parking lot should be on Wheeling because of the amount of traffic that presently utilizes Victor. The temporary lot, he noted, was supposed to provide surfacing, lights, fencing and an exit on Wheeling and entrance on Victor, but the traffic utilized both access points as entrances and exits. Also, it took three months for the surfacing to be placed on the lot. He noted that he wanted to be sure that this lot would be an improved lot and not one used by construction workers. Mr. Larocque advised that children and young people use the property as a crossover when playing and racing and he requested that only one entrance and exit be permitted.

Billy Miller, 2536 East 57th Street, owner of 1752 South Wheeling, supported Mr. Larocque's statements, pointing out that St. John's has permitted the deterioration of the temporary lots which are presently a disgrace to the residential area. If the parking lots are to be permitted by the Board, Mr. Miller felt that the lots should have controlled screening and that the screening should be well maintained if it was to be wood.

M. J. Bragg, 1749 South Wheeling, supported previous statements regarding deterioration of the temporary lots, noting that the entire area has deteriorated as a result. Since the parking lots have been approved, there has been no policing of the trash and debris. Should the Board support the parking lot as proposed, Mr. Bragg requested that the lot be

properly policed, that permanent hard surfacing be required, and that the surface water be removed so as not to cause a ponding of water on Wheeling or Victor. He noted he was in favor of off-street parking as the on-street parking creates problems for the residents; however, he requested that something be provided to enhance the area rather than deteriorate it.

Libby Bragg, 1749 South Wheeling, questioned whether or not the lot could be policed so as to control the speed on the private lot, noting that the City police cannot come to the property when called because it is a private parking lot.

Ron Thompson, 4141 South Pittsburg, an interested party attending the meeting for another matter, questioned why the use could not be reviewed on a yearly basis as are mobile home applications.

Mr. Norman apologized for the problems that have occurred with regard to the temporary lot, pointing out that development per the plan submitted should solve the complaints of the area residents. Solid screening is to be provided on the lot and will be maintained. With regard to the speed within the lot, Mr. Norman advised that his clients would have no objection to signs being erected to limit speed to five miles per hour. With regard to regulating access to the lot, Mr. Norman noted that three points of access have been shown on the plan, each being 12' wide in order that access would be limited to these locations. On Wheeling the side lots are steeply terraced and the screening has been set back to retain these terraces.

Upon questioning by the Chair as to whether or not he would oppose speed bumps within the lot, Mr. Norman felt that this might be appropriate but also felt that the terraces on each side of the street would slow the traffic considerably.

Mr. Miller advised that the persons using the temporary lot for parking have parked as close to the street as possible; therefore, he requested that a setback be provided preferably as close to the building line as possible. Upon questioning by the Board, Mr. Norman advised that the lot is approximately 25' from the curb line and if the setback required were that of the building line some 12 parking spaces would be lost on each of the street frontages. He felt that the screening fence and terraces would provide a suitable setback.

Board Action:

On MOTION of JOLLY, the Board (4-0) granted an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for hospital use of property to permit off-street parking for the Staff of St. John's Medical Center, per plot plan submitted, with a 6' screening fence being provided on the north, south abutting Lot 14, and east with the exception of the access points; with the requirements of low-level lighting and surfacing being met; the lot to be policed by the St. John's security force; the provision of eight speed bumps not less than six inches in height as provided on the plat; the provision of curb stops next to the

north fence; the parking lot being striped and maintained; and, the Building Inspector's Office being provided the name and telephone number of the individual responsible 24-hours a day for the maintenance of the parking lot, in an RS-3 District on the following described tract: Also, it was the consensus of the Board with regard to this action, that the application as approved would help improve the situation that was deteriorating the neighborhood and help the neighborhood now rather than waiting six months for the special study to be completed. In addition it was noted that the protestants were not objecting to the parking lot itself, but to the existing situation.

Lots 9, 10, 11, 15 and 16, Block 3, Edgewood Place Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Special Exception Uses) to use property for airport use that will permit terminal area expansion including an addition to the existing parking lot and realignment of terminal access roads for terminal expansion and parking structure development in a CH, CS and RS-3 District located at the Tulsa International Airport.

Presentation:

Richard Studenny, attorney for the Airport Authority, submitted the plan (Exhibit "G-1") advising that the growth of the Tulsa Metropolitan Area has necessitated an expansion of the Airport's parking and terminal facilities. The first stage of the expansion is to allow public access which includes an access road realignment and an area being added to the existing ground structure to allow for later development of a parking structure projected to be located in front of the terminal building. Upon questioning by the Board, Mr. Studenny advised that only the use is requested at this time and no specifics per a plot plan. It was further noted in discussion that the Airport Authority is undergoing overall development plans which will be brought before the Board at their completion requesting an overall exception use of the Airport's property for future development in order to eliminate piecemeal applications before the Board. Mr. Studenny also added that funds are now available to carry on a majority of the work involved with providing the master plan.

Carl Cannizzarro, Tulsa Airport Authority Engineer, noted that the plan presented shows the proposed accessway road system and proposed expansion of the parking lot which, within the next year's construction, is the only construction to take place in the area specified. Also, he noted that it was the Authority's hope that at the end of that time the overall plan could be brought to the Board for review and consideration. Mr. Cannizzarro advised that the Airport is currently purchasing properties outside the boundary of the master plan and that these properties will be brought before the Board if the master plan has not been completed. The plan presented to the Board this date shows only what is before the Board for approval this date and nothing more.

Protests:

Gary Callahan, 7340 East Zion, advised the Board that the Airport Authority purchases properties and removes the structures but does not maintain the properties at that point which lowers the property values in the area. Mr. Callahan felt that the Airport's existing properties should be maintained prior to any construction being permitted. Also, he noted that the area residents should be given information as to what is to be constructed, pointing out that they are not getting answers when they approach the Airport Authority.

William Perryman, 7538 East Young Place, advised the Board that he has resided in the area since 1955 and requested a continuance of the application in order that the Board might view the area, pointing out that the property values are being decreased at present even though the area residents know that the area will be improved by the future development.

Upon questioning by the Board, Mr. Studenny advised that there are two houses vacant that are owned by the Authority which have been placed on a bid list for the structures which are to be removed. All other structures on Airport property have been removed. Mr. Cannizzarro advised the Board that there is growth where some structures have recently been removed. The Airport has some 3,000 acres of land and they have a problem with the City in getting the mowing done. He felt that nothing would be gained, however, by mowing the subject property this week and then having the property prepared for development within the next week.

Janice Callahan, 7340 East Zion, advised the Board that the streets are not taken care of, the properties purchased are not maintained, and the structures have been vandalized which has deteriorated the entire neighborhood. She felt that some arrangement could be made with the Airport similar to Tulsa University with regard to the Airport buying all properties in the area, thereby if properties are deteriorated by the development they would then belong to the Airport and not private citizens.

Mr. Studenny advised that all Airport plans provide new graphics, new landscaping and the entire terminal development. In the hearing of the Airport plan, the residents advised that their biggest problem was the piecemeal acquisition and development of properties within the area around the Airport. The landscaping as proposed by the Airport will assure that development will be more compatible with the residential areas surrounding the Airport.

Board Action:

On MOTION of JOLLY, the Board (4-0) approved an Exception (Section 710-Principal Uses Permitted in Commercial Districts - Section 1202 - Area-Wide Special Exception Uses) to use property for airport use that will permit terminal area expansion including an addition to the existing parking lot and realignment of terminal access roads for terminal expansion and parking structure development, as presented per plan submitted, in a CS, CH and RS-3 District on the following described tract:

All of Block 1, Aerial Heights Third Addition, and All of Lots 1 through 12 of a Subdivision of Lots 8 and 9 of Aerial Heights Addition, and All of a Subdivision of Lots 10 and 11 of Aerial Heights Addition, and All of Lots 13 through 24 of a Subdivision of Lots 12 and 13 of Aerial Heights 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 75' to 43' 5½" from the west line, an R District, and a request for a variance of the setback requirements from Admiral Place to allow an addition to an existing building; 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 can not be achieved along the west and north property line in an IL District located at 15725 East Admiral Place.

Presentation:

William Jones, architect, submitted the plot plan (Exhibit "H-1") and requested permission to locate the proposed addition to the existing structure as shown on the plan. A variance of the setback requirements on the west is required because the industrial property abuts residential zoning which requires a 75' setback. Also, a variance from the centerline of Admiral Place will be required to permit the addition to align with the existing structure. The modification of the screening requirement on the north is requested as Skelly Drive abuts the property to the north and traffic travelling Skelly Drive would be able to view the property above the screening fence. Also, a modification of the screening requirement is requested on the west as no other properties in the area are screened from residential properties. Upon questioning, Mr. Jones advised that the existing structure is closer to Admiral Place than other structures along the street.

Mr. Gardner advised that the major street right-of-way for Admiral Place is a minimum of 50' from the centerline and he did not feel that the existing structure within the future right-of-way should be used as a precedent for alignment of the proposed addition as the structures would be required to be purchased if Admiral Place were to be widened in this area. Unless more substantial reasons were given for granting the variance of the setback from Admiral Place, Mr. Gardner felt that the request should not be granted. He further noted that the entire area is planned for industrial redevelopment. With regard to screening, Mr. Gardner noted that screening on the west should be a consideration if there are residences on the property to the west. With regard to the screening on the north, he felt that the Board should consider the use of the property as to outside storage and whether or not Skelly Drive is elevated.

Upon questioning by the Board, Mr. Jones advised that route trucks and semi-trailers are the only vehicles stored outside, all other materials or equipment involved in the operation is stored inside. Skelly Drive, he pointed out, is elevated. Also, he had spoken with the resident to the west who had no objection to the application.

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 75' to 43' 5½" from the west line, an R District; 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 can not be achieved along the west and north property lines, per plot plan, thereby denying the Variance (Section 930 - Bulk and Area Requirements in Industrial Districts - Under the Provisions of Section 1670) for a variance of the setback requirements from Admiral Place to allow an addition to the existing building, in an IL District on the following described tract:

The West 160' of Lot 1, Regal Addition to the City of Tulsa, Okla.

9544

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home; and a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) for a variance of the frontage requirements from 300' to 165' in an AG District located north-east of 75th Street and Elwood Avenue.

Presentation:

John Moody, representing the property owner, requested permission for his client to locate a mobile home on the subject property for a period of approximately one year in order that his client might reside on the property while his permanent residence is being constructed on the property. He noted that there are mobile homes located at the north-east corner of 81st and Elwood and at the southeast corner of West 68th and Elwood. He felt the temporary use would not be detrimental to the area. He noted that the Code requires a five-acre minimum and 300' frontage in an AG District; while the subject property contains five acres but does not have the required 300' frontage.

Protests:

Helen Barnard, Route 5, Box 367, advised the Board that she had resided in the area for 19 years and understood when the area was annexed that no more mobile homes would be permitted, but since that time there have been three permitted on a temporary basis--these mobile homes still being located in the area. She pointed out that other mobile homes had been requested and denied and felt that no additional mobile homes should be permitted in the area. Many of the requests were for mobile homes out of necessity but a number were still denied. She submitted a petition (Exhibit "I-1") containing the signatures of 38 area residents opposing the location of the mobile home in the area.

Helen Newberry, 7602 South Elwood, advised the Board that she and her family had purchased their older home on a 17.5-acre tract some 11 years ago. She pointed out that there were many high-quality homes in the area, including older homes that had been remodeled and new homes.

The Board previously approved a mobile home to the east of the subject property for a period of two years in order that that property owner might construct his permanent residence on his property, however the residence was never constructed. Because the area residents understood that that mobile home was to be temporary not many persons were present to protest the application when it was presented to the Board. She pointed out that other mobile home requests had been denied in the area of 81st and Elwood and felt that the subject mobile home should also be defeated as it would devalue surrounding properties.

Mr. Moody did not feel that his client should be prejudiced by the actions of others who have not followed the Board's order which had not been enforced by the Building Inspector's Office. The statements of the protestants provide that the area is growing and one that would not be damaged by the temporary location of the mobile home to permit construction of a new permanent residence. Mr. Moody further pointed out that the Board has the authority to impose safeguards, one being a removal bond. He felt that the mobile home requested could possibly be located toward the rear portion of the property near the pond. He noted that the septic system required would require an approval of the Health Department.

Board Member Jolly advised the protestants that the Board's approval of the mobile home for two years was subject to a removal bond which requires the removal of the mobile home should the Board's action not be followed. Mr. Gardner further noted that the applicant had not constructed a home on the property and had filed an application for a one-year extension.

Board Action:

On MOTION of JOLLY, 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; and a Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1670) for a variance of the frontage requirements from 300' to 165', for a period of one year subject to the customary removal bond, with the understanding that the Board would not look favorably upon an extension of this approval, in an AG District on the following described tract:

The N/2, S/2, N/2, SW/4, NW/4 of Section 12, Township 18 North, Range 12 East, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop in an RS-3 District located at 3318 East Archer Street.

Presentation:

Pamela Edwards advised the Board that she has three small children and that she would like to operate a home beauty shop in order that the children might be home with her while she works to supplement the family's income. She advised that she was aware of the rules of the home occupation, noting that she would operate between 8 a.m. and 7 p.m., Monday, Thursday, Friday and Saturday and that she might occasionally

6.16.77:238(16)

give a permanent on Tuesday or Wednesday, but this would be on rare occasions.

Protests:

Jim Elder, representing John Smith of 3312 East Easton, submitted a petition (Exhibit "J-1") opposing the application and noted that there have been other attempts by other residents in the neighborhood to operate commercial businesses. He felt that approval of the application would set a precedent for other commercial operations. Should the Board be inclined to support the application, Mr. Elder requested that approval include limitations with respect to customer parking in front of the subject property only and that the approval be granted to this applicant only. With respect to the number of signatures on the petition, Mr. Elder pointed out that there is a school within 300' of the property, therefore, there are not as many residences in the area as there normally would be.

Upon questioning by the Board, Mrs. Edwards advised that she would have no more than two patrons at any one time and that they would be parking in her driveway as her husband will have the family automobile during the day. She advised that she has planned only one station and no changes in the structure, in addition to the fact that she will be the only employee. Upon further questioning, Mrs. Edwards advised that the shop would be located in the detached garage which is not large enough to park an automobile in.

Board Action:

On MOTION of GUERRERO, the Board (4-0) granted an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to operate a home beauty shop, as presented, for this applicant only, in an RS-3 District on the following described tract:

Lot 1, Block 4, Sequoyah Hills Addition to the City of Tulsa, Okla.

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1212 - Eating Places Other Than Drive-Ins - Under the Provisions of Section 1670) to operate a restaurant in an RS-3 District located at 5409 South 40th West Avenue.

Presentation:

Clory Bowie submitted her written presentation (Exhibit "K-1") to the Board requesting permission to operate a restaurant on the subject property. She noted in the statement that the utility deposits were made in February, 1977 and that \$2,000 had been spent in remodeling the structure prior to her discovering that approval of the Board was necessary. Ms. Bowie further noted that the elementary school structure had once been used as a recreation center and a nursery. The Board was advised that the auditorium portion of the structure will be used as the restaurant and will have only one entrance, the remainder of the property being vacant. Ms. Bowie noted that the entire property is fenced

and that she will have approximately six tables or booths for serving purposes.

The Staff submitted a communication (Exhibit "K-2") from Theodore Pete who does not oppose the subject application.

Mr. Gardner pointed out that the Staff would prefer a continuance in order that the property might be studied further as proper control is the concern of the Staff.

Upon questioning by the Board, Ms. Bowie advised that she has a one year lease with a one year option.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) granted a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1212 - Eating Places Other Than Drive-Ins - Under the Provisions of Section 1670) to operate a restaurant by this applicant only for the primary term of the lease and a one-year extension with a sign no larger than 32 square feet being permitted in the RS-3 District on the following described tract:

Block 12, South Haven Addition to the City of Tulsa, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the front setback requirements from 30' to 19' in an RS-2 District located at 4134 South Pittsburg.

Presentation:

Elaine Hack of John Hausam Gallery of Homes, submitted the plat of survey (Exhibit "L-1") and photographs (Exhibit "L-2") of other residences in the area, noting that the structure in question was erected in 1954 and the need for a variance of the front setback was found during the survey of the property for sale of the property. The existing residence in question does not appear to be out of line with other residences in the neighborhood and the property is located on the street curve.

Protests: None.

Interested Party:

Ron Thompson, 4141 South Pittsburg, advised the Board that he was not opposed but was present to be assured that no carport was being proposed, after which the Chair noted that the request is before the Board for the sole purpose of clearing the title for sale of the property.

9547 (continued)

Mary Meltzer, 4146 South Pittsburg, questioned if approval this date would give permission for future construction on the property and she was advised that it did not give such permission.

Board Action:

On MOTION of SMITH, the Board (4-0) granted a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630) for a variance of the front setback requirements from 30' to 19', per plot plan, in an RS-2 District on the following described tract:

Lot 10, Block 8, Saddlelane Addition to the City of Tulsa, Okla.

9549

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home; and a Variance (Section 340 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1620) for a variance of the five-acre minimum in an AG District located north and east of 93rd East Avenue and 126th Street North.

Presentation:

O. W. Millarr requested permission to locate a mobile home on the subject property which is less than five acres in size in order that his son might possibly rent the mobile home to supplement his income--the request being made for a period of five years.

The Staff submitted a communication (Exhibit "M-1") from the Mayor of Collinsville, advising that the Collinsville City Commission recommended approval of the application.

Mr. Gardner noted that this area is considered a "wildcat subdivision", pointing out that a good portion of the property is located within the County Flood Hazard area and any mobile home, if approved, should be located near 93rd where it appears to be out of the moratorium.

Upon questioning by the Board, Mr. Millarr advised that there are other mobile homes to the east and north.

Protests: None.

Board Action:

On MOTION of GUERRERO, 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; and a Variance (Section 340 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630) for a variance of the five-acre minimum, for a period of five years, in an AG District on the following described tract:

Lot 4, Block 3, North Dale Acres Addition to the County of Tulsa, Oklahoma.

9550

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-2 District at 1033 Ridge Drive, Sand Springs, Oklahoma.

Presentation:

Stanley Campbell requested permission to locate a mobile home on the back of the subject property for his mother-in-law who was recently widowed. There is a mobile home on the tract directly behind his, there is a mobile home three blocks to the southeast, and there are several mobile homes to the south.

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-2 District on the following described tract:

Lot 34, Block 25, Charles Page Home Acres No. 4, to Sand Springs, Oklahoma, Tulsa County, Oklahoma.

9554

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial District - Under the Provisions of Section 1670) for a variance of the setback requirements from 75' to 6' from an R District in an IL District located at 2716 North Sheridan.

Presentation:

Samuel Barton, the applicant, was not present. The Staff submitted the plot plan (Exhibit "N-1") advising that the property under application is within the area that has been planned for industrial redevelopment. The applicant had stated to the Staff that he planned to purchase the property to the north, which is in an R District, if the owner would sell it.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) granted 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 6' from an R District, per plot plan, in an IL District on the following described tract:

A portion of the NE/2 of the SE/4 of the SE/4 of Section 22, Township 20 North, Range 13 East of the IBM, described by metes and bounds as follows: Beginning at a point on the East boundary line of said NE/4 Section, 485.7' South of the NE corner of said NE/4 Section, running thence North a distance of 100.7 feet; thence West a distance of 660'; thence South a distance of 90.1'; thence Easterly a distance of 660' to the point of beginning, all in Tulsa County, State of Oklahoma.

6.16.77:238(20)

Action Requested:

Minor Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 150' to 140' to permit a Lot-Split (L-14038) in a CS District located northwest of 71st Street and Memorial Drive.

Presentation:

Willis Smith, representing Getty Refining and Marketing Company, advised the Board that the property being divided into three tracts has 420' of frontage and when originally purchased, the property was platted into two lots. However, Mr. Smith advised that the Company now wishes to sell the surplus property and the most equitable way is to divide the property into three lots, each having 140' of frontage as opposed to the required 150'. The lot-split had been approved by the Planning Commission, subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) granted a Minor Variance (Section 730 - Bulk and Area Requirements in Commercial Districts - Under the Provisions of Section 1630) for a variance of the frontage requirements from 150' to 140' to permit a Lot-Split (L-14038) in a CS District on the following described tract:

Lots 1 & 2, Block 1, Self Addition to the City of Tulsa, Oklahoma.

Action Requested:

Minor Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630) for a variance of the setback requirements from 50' to 29' from the centerline of Lewis to permit a pole sign in a CS District located at 1610 North Lewis Avenue.

Presentation:

Kay Currey, representing Radio Shack, requested permission to erect a 6' x 8' sign on the existing pole which is setback 29' from the centerline of Lewis as opposed to the 50' required by the Code.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) granted a Minor Variance (Section 280 - Structure Setback From Abutting Streets - Under the Provisions of Section 1630) for a variance of the setback requirements from 50' to 29' from the centerline of Lewis Avenue to permit a pole sign, subject to the customary removal contract being signed by the owner, in a CS District on the following described tract:

Lot 1, Prospect Place 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) for permission to erect a residence across a lot line in an RS-3 District located at 1718 and 1724 West 45th Street.

Presentation:

Brenda Tharp, the applicant, was not present.

The Staff submitted the plot plan (Exhibit "O-1"), advising that a lot-split had been granted October 28, 1964 by the TMAPC which removed the old lot line. The Building Inspector refused to issue a permit for a residence on the property this date (June 16, 1977).

In reviewing the application and plan, it was the consensus of the Board that the application was not necessary as the lot-split had been approved in 1964 removing the lot line in question, therefore, it was felt that the applicant should be refunded her money for filing the application.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board declared application 9575 unnecessary and voted 4-0 to direct the Staff to refund the applicant's filing fee.

ADDITIONAL ITEM:CDP #29 - Clarification:

This is a request (Exhibit "P-1") for a clarification of CDP #29 to determine whether or not a portion of the church property can be used as a preschool and day care center on a temporary basis from June 20, 1977 to November 1, 1977.

Charles Hardt, representing the applicant, advised that the Community Baptist Church was proposed to be the temporary location of the day care center and preschool until such time as construction had been completed elsewhere--the date of completion contemplated to be November 1, 1977. There will be no exterior modifications at the Church site to facilitate the preschool and day care center proposed.

Mr. Gardner reviewed CDP #29, advising the Board that there is nothing specific within the CDP that references a preschool or day care center, however, he felt that the uses would be within the spirit and intent of the original CDP as an accessory use on a temporary basis as such facilities are considered accessory to the standard church applications being received at this time.

On MOTION of JOLLY, the Board (4-0) interpreted the Board's previous action with regard to CDP #29 to state that it was the purpose and intent of that action to include such uses as a preschool and day care center which are considered as accessory uses on a portion of the Church property.

There being no further business, the Chair declared the meeting adjourned at 4:45 p.m.

Date Approved October 6, 1977

Harry L. Perser
Chairman