

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 241
Thursday, August 4, 1977, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT

Purser, Chairman
Blessing
Guerrero
Jolly (out 2:45 p.m.)
Smith (in 1:42 p.m.)

STAFF PRESENT

Gardner
Edwards
Jones
Dyer, Mrs.

OTHERS PRESENT

Pauling, Legal
Department
Jenkins, Building
Inspector's Off.

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

SPECIAL REQUESTS:

9627

Action Requested:

Exception (Section 610 - Principal Uses Permitted in Office Districts - Section 1680 - Special Exceptions) and a Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670) to permit a townhouse development with attached and detached dwelling units on individual lots located on private streets in an OL District, located north and west of 49th Street and Lewis Avenue.

Presentation:

Charles Norman, attorney, representing the applicant and working with the property owners abutting the subject property, stated that some of the neighbors were out of town and requested a continuance of the subject application.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) continued application 9627 until August 18, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9374

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 55' to 40' from the centerline of Detroit; and requested a variance of the lot area requirements from 6,900 sq. ft., to 6,750 sq. ft. located at the NW corner of 21st Street and Detroit Avenue.

Presentation:

The Staff advised that the applicant appeared before the Board on February 3, 1977, on the subject application and the Board requested the applicant submit the plot plan of the second duplex before approval. The applicant submitted the plot plan (Exhibit "A-1").

Protests: None.

Board Action:

Board Member Jolly, stated that the Board was more concerned with the elevations of the structure than the plot plan itself, and requested that the plot plan become a part of the files as well as the plans approved on the first duplex.

UNFINISHED BUSINESS:

9551

Action Requested:

Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670 - Variances) to permit two lots with ten-foot frontages located at the SE corner of 77th Place and Marion Avenue in an RS-1 District.

Presentation:

Anthony Hazen, the applicant was not present, but was represented by Paul Hazen, who requested a waiver of the lot frontage requirement. Mr. Hazen stated that the property was a total of 3.25 acres, omitting the driveway, and the 10-foot handles provide access to the two large size lots.

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

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved the Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670 - Variances) to permit two lots (L-14030) with ten-foot frontages on the following described tract:

A portion of Lot 12, Block 3, Timbercrest Addition, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof and being more particularly described as follows, to-wit: Beginning at the Northwest corner of Lot 12; thence North-easterly along the centerline of 77th Street and around a curve to the right, which curve has a radius of 100' and an angle of $49^{\circ}-36'-39''$ for a distance of 47.86' to a point of tangency; thence North $88^{\circ}-57'-30''$ East along said centerline of 77th Street for a distance of 87.24' to a point of beginning; thence Southwesterly and running parallel to an imaginary line, which imaginary line extends from a point 1-foot East of the above said point of beginning on the centerline of 77th Street to the mid-point of the South lot line of said Lot 12, for a distance of 240'; thence South to a point on the South lot line of Lot 12 which point is 161.09' West of the Southeast corner of said Lot 12; thence West along said South lot line of Lot 12, for a distance of 163.09' to the Southwest corner of Lot 12; thence North along the West lot line of said Lot 12 for a distance of 205'; thence Easterly to a point which is 2' West of the above said imaginary line and

234' Southwesterly of the centerline of 77th Street; thence North-easterly and parallel to said imaginary line for a distance of 234' to a point in the centerline of 77th Street which point is 1-foot West of the point of beginning; thence East along the centerline of 77th Street for a distance of 1-foot to the point of beginning;
AND

A portion of Lot 12, Block 3, Timbercrest Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and being more particularly described as follows, to-wit: Beginning at the Northwest corner of Lot 12; thence North-easterly along the centerline of 77th Street and around a curve to the right, which curve has a radius of 100' and an angle of $49^{\circ}-36'-39''$ for a distance of 47.86' to a point of tangency; thence North $88^{\circ}-57'-30''$ East along said centerline of 77th Street for a distance of 88.24' to a point of beginning; thence Southwesterly along an imaginary line, which line connects from said point of beginning to the mid-point of the South lot line of Lot 12, for a distance of 234'; thence North 78° East for a distance of 60'; thence Southeasterly to a point on the East lot line of said Lot 12, which point is 265' South of the Northeast corner of said Lot 12; thence South along the said East lot line of Lot 12, for a distance of 194.72' to the Southeast corner of Lot 12; thence West along the South lot line of Lot 12 for a distance of 161.09'; thence Northerly to a point which is 240' Southwesterly of the centerline of 77th Street and 1-foot West of the imaginary line extending from the point of beginning to the mid-point on the South lot line of said Lot 12; thence Northwesterly and parallel to said imaginary line for a distance of 240' to a point on the centerline of 77th Street, which point is 1-foot West of the point of beginning; thence East along the said centerline of 77th Street for a distance of 1-foot to the point of beginning.

Action Requested:

Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1202 - Area Wide Special Exception Uses - Sanitary Land Fills) to operate a sanitary land fill in an AG District located at 63rd Street North and Osage Drive.

Presentation:

Mr. Phil Richmond, Director of Solid Waste Management of the City of Tulsa, requested to locate a sanitary land fill on the subject property. Mr. Richmond advised that he felt the subject location would be suitable for a land fill site. He advised the Board that the property consisted of approximately 600 acres, with land fill consisting of approximately two-hundred and fifty (250) acres, ranging from 690' to 800' in elevation. Mr. Richmond stated that access roads into the land fill will be off 63rd Street North. At present, there is a two-lane dirt road connecting with Osage Drive to 56th Street North and over to Cincinnati Avenue. He advised that the land fill will be opened to citizens on weekends and not for use of private haulers. Mr. Richmond said the land fill will be in use mostly from the north and western portions of the City and the Osage County people. He stated that approximately 30% to 40% of the trees will be removed in order to locate the land fill in the natural canyons,

portions of the property can be used for recreational purposes. Upon questioning by the Chairman he stated the proposed development will be completed by November 3. If approved, Mr. Richmond anticipates forty to fifty years to be the life of the land fill. He presented an area view of the proposed development, advising that the engineering report has not been completed.

Mr. Richmond stated he had received a letter from North Tulsa Airport Authority, stating that the land fill in no way would hinder flight operations in the general area with respect to birds feeding from the landfill.

Board Member Jolly stated that he felt it was unfair of the City to expect the Board to make a decision on such a controversial issue when we don't have the required engineering studies finished. He also stated that the protestants were not in a position to make a valid appraisal not having all the required information on the proposed development, and suggested a continuance to allow enough time for all engineering studies to be completed, or in the alternative, deny the application on the basis of insufficient information.

Protestants: Approximately 40

Board Action:

On MOTION of JOLLY, the Board (4-0) denied the Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1202 - Area Wide Special Exception Uses - Sanitary Land Fills) to operate a sanitary land fill in an AG District, and the Board waived its policy of not hearing the same case again for at least a six-month period of time, in order that the City can reapply sooner than six months if they choose and after the required engineering studies have been completed, on the following described tract:

Lots 1, 2, & 3, and NW/4, and N/2, SW/4, and SW/4, SW/4, of Section 34, Township 21 North, Range 12 East, and the N/2, SE/4 and SE/4, NW/4 and the S/2, NE/4 and NE/4, NE/4 of Section 33, Township 21 North, Range 12 East, All in Osage County.

9592

Action Requested:

Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) the setback requirements from 75' to 50' from an R District located southwest of 51st Street and Mingo Road.

Presentation:

Anderson Development Company requested the rear setback waiver for the purpose of providing additional parking space in front. The applicant submitted a plot plan (Exhibit "B-1") showing the proposed setback. The applicant also submitted a letter (Exhibit "B-2") from Milton H. Berry Investments stating that they do not desire fencing along the north area of the property. The applicant advised that if the setback is approved, he would erect a fence along the south property line if the Board desired a fence.

Protests: None.

9592 (continued)

Board Action:

On MOTION of JOLLY, the Board (5-0) approved the Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) the setback requirements from 75' to 50' from an R District subject to the applicant erecting a fence along the south boundary of the subdivision prior to any construction and waiving the fencing requirement along the north boundary, on the following described tract:

Lots 8 through 21, inclusive, Block 1, 5300 Commerce Park
Addition to the City of Tulsa, Oklahoma.

9609

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to sell boat trailers and do some assembly work in a CS District; and Exception (Section 250.3 (b) - Modification of the Screening and Fencing Requirements) to remove the screening requirements where an alternative screening will provide visual separation of uses located at 12934 East Admiral Place.

Presentation:

James Elliott, 2158 East 27th Street, requested an exception to sell boat trailers and do related assembly work at the subject location. He advised that he has constructed warehouses on the property in order that all assembly work will be done on the inside. Mr. Elliott also requested the waiver of the screening requirement in back of property because the Expressway is elevated at the subject location and a fence would not screen anything. He stated that the property is not in the moratorium area.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (5-0) approved the Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to sell boat trailers and do some related assembly work in a CS District as presented and; Exception (Section 250.3 (d) - Modification of the Screening and Fencing Requirements) to remove the screening requirements where the purpose of the screening requirement cannot be achieved on the following described tract:

Lot 4, and the East 20' of Lot 1, Block 1, Belgray Addition to
the City of Tulsa, Oklahoma.

(Jolly out at 2:20 p.m.)

NEW APPLICATIONS:

9611

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-3 District located at 816 South 64th West Avenue.

Presentation:

Rev. P. H. Wootton, 816 South 64th West Avenue, requested to locate a mobile home on the subject property for one year, in order that he can build a home. Rev. Wootton advised the Board that the house that is on the property will be removed. Across the street to the west is a trailer park and to the north is a church.

Protests: None.

Board Action:

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

Lot 15, Block 2, Trimble Addition to the City of Tulsa, Oklahoma.

9613

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office District - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a private indoor racquet ball club in an OL District located at 4525 and 4537 South Harvard Ave.

Presentation:

Bill Doyle, 201 West 5th Street, Suite 400, representing the owner, requested to operate an indoor racquet ball club. Mr. Doyle displayed a plan showing the proposed private indoor racquet club facility layout, advising that the project will consist of ten courts and an exercise room. He stated the exterior wall will be 22' high with a flat type roof. The security lighting will be constructed close to the ground. The club will be a private operation made available to adults and by membership only. Mr. Doyle advised that there would be one driveway to Harvard Avenue as opposed to two in order to locate the building in the center of the lots and handle the drainage. The parking facility will accommodate fifty-one cars. There is 58' from the back of the building to back of the property line on which a 6' screening fence will be erected. Mr. Doyle advised that there will be only one entrance to the club and it will occupy less ground space than an office building. He also advised that there will be one unlighted sign along Harvard to identify the operation, and stated that if the request is granted he would build precisely what is shown in the plan displayed.

Glen Phillips, 6935 South New Haven, the Architect, advised that the club will operate on a membership basis only and opened to adults only. The membership fee will be in the approximate range of \$500.00 and mostly a private type club. The hours of operation will be from 6:00 a.m. until 10:00 p.m., seven days per week. Mr. Phillips stated that if the Board requested, they would construct landscape berms along Harvard, but felt the trees already screened most of the building. He also advised that approximately 150 spectators could view matches on the one court, but this would only occur when tournaments were held and that would be on rare occasions.

The Staff advised that the property requires replatting and for several reasons the Planning Commission would not be in a position to waive the replatting requirements. Mr. Gardner stated that the Staff was concerned that the overall area recently rezoned be platted as a unit in order to prohibit interior lots having access only to minor streets.

Interested Parties:

Pat Murphy, 3335 East 46th Street, stated that he felt this could be a good project for the neighborhood. He advised that he would rather have this type business than have smaller offices, or vacant lots with lawns that go unattended. He stated that the building does not have rear windows, therefore the residents still maintain privacy. Mr. Murphy stated he preferred the building to have a flat type roof and had no objections to the development in the neighborhood.

Protests: Approximately ten present.

Kathy Borchardt, 3331 East 45th Street, stated the only thing good about the proposed use is there is no discrimination against female membership. Mrs. Borchardt submitted photos (Exhibit "C-1") of the neighborhood commenting on the beauty of the area and stating that the proposed development abuts three homes which have values of \$40,000 to \$52,000. She stated that if this development is allowed, it will destroy what is called a pocket neighborhood. Mrs. Borchardt expressed concern about the traffic, stating she felt this business would increase the already congested traffic. She also expressed concern that if the business went bankrupt, the neighborhood would be left with a vacant building to further degrade the neighborhood.

J. L. Harder, 4530 South Jamestown, stated that a flat roof and paved parking mean flooding. He advised that to the east of his property is a slope and all the water will come into his back yard. He also questioned the lighting disturbing him since the building will have 22' highwalls.

Lloyd Ashcraft, 4527 South Jamestown, stated he has lived in the area fourteen years. At present this particular area is not a flood area, but he feels if this project is allowed it will add to the flooding problems that already exist in the City.

9613 (continued)

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved the Exception (Section 610 - Principal Uses Permitted in the Office District - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a private indoor racquet ball club in an OL District as presented, subject to replatting of the property, one sign no larger than 4' x 8' with no direct lighting, install a landscape berm along Harvard a maximum of 3' high above existing curb level, install screening fence on the east property line and on south property line, low type lighting, hours of operation from 6:00 a.m. until 10:00 p.m., building shall have a flat roof, and subject to the submitting of a final plan to the Board of the proposed building meeting these requirements on the following described tract:

Lots 4 and 5, Block 2, Villa Grove Heights No. 1 to the City of Tulsa, Oklahoma.

9607

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 S. and W. of 106th Street North and Mingo Road.

Presentation:

Gary Rissel, Beacon Building, Tulsa, representing Mike Houston, the applicant who is ill and is hospitalized. Mr. Rissell requested a continuance of the subject application for the above reason.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) continued application 9607 until August 18, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9614

Action Requested:

Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split located at 115th Street and 177th East Avenue.

Presentation:

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

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved the Variance (Section 330 - Bulk and Area Requirements in the Agriculture District - Under the Provisions of Section 1630 - Minor Variances) of the frontage and area requirements in an AG District to permit a lot-split (L-14071) on the following described tract:

9614 (continued)

A part of the North 85.33' of East 435.4' of S/2 of SE/4 of NE/4 and a part of the South 201.02' of East 407.95' of the N/2 of SE/4 of NE/4 of Section 35, Township 18 North, Range 14 East, described by metes and bounds as follows: Commencing at the Northeast corner of Section 35, T-18-N, R-14-E; thence South 0°-06'-46" East along the East line of Section 35 a distance of 1,982.39' to a point; said point being the Northeast corner of the S/2 of the SE/4 of the NE/4 of Section 35; thence South 89°-56'-34" West along the North line of the S/2 of the SE/4 of the NE/4 a distance of 31.42' to the point of beginning; thence South 73°-39'-17" West a distance of 304.25' to a point; thence North 79°-05'-13" West a distance of 114.03' to a point; thence North 23°-17'-00" East a distance of 69.30' to a point on the North line of S/2 of the SE/4 of the NE/4; thence continuing North 23°-17'-00" East a distance of 150.64' to a point; thence North 76°-04'-11" East a distance of 261.52' to a point; thence South 17°-26'-46" East a distance of 210.64' to the point of beginning and containing 73,455.09 square feet, or 1.686 acres, more or less.

9615

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-3 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes - Under the Provisions of Section 1670 - Variances) to maintain a mobile home in an RS-3 District for a period of more than one year at a time located at 3657 South Quannah Avenue.

Presentation:

Mrs. Helen McLaughlin, 3657 South Quannah, requested to maintain the mobile home in the subject location advising the Board that she is living in the mobile home and there are other mobile homes in the area. She stated that the area is an industrial type neighborhood. She withdrew the variance request.

Protests: None.

Board Action:

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

Lot 19, Block 7, Hardesty Addition to the City of Tulsa, Oklahoma.

9617

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial District-Section 1215 - Other Trades and Services) to operate a vocational school in air-conditioning and refrigeration and electrician training in a CS District located at 708 South Sheridan Road.

Presentation:

Dean Newberry, 708 South Sheridan, requested to operate a vocational school in air-conditioning and refrigeration and electrician training, advising that he will be instructing forty to fifty people in this type trade, in day and evening classes. He advised that all training will be conducted inside of the building, and off-street parking is provided to accommodate thirty-five cars and he will lease 6,000 sq. ft. of space across the street for additional parking space. Upon questioning by the Board, the applicant was unaware of the property being in the moratorium area. However, they plan no expansion of buildings.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved the Exception (Section 710 - Principal Uses Permitted in Commercial District - Section 1215 - Other Trades and Services) to operate a vocational school in air-conditioning and refrigeration and electrician training in a CS District as presented on the following described tract:

The North 100' of the East 180', LESS the East 15' of Block 59, Glenhaven Addition to the City of Tulsa, Oklahoma.

9618

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to maintain a mobile home in an RS-3 District. (Bond required) located at 713 North Toledo Avenue.

Presentation:

Orvan Schuldt, 713 North Toledo Avenue, requested to maintain a mobile home on subject property advising that he is the care-taker of the cemetery in which the mobile home is located and it is convenient for him to maintain the mobile home in that area.

Protests: None.

Remarks: The Staff suggested the applicant file a variance next time in order to eliminate coming back each year.

Board Action:

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

The NW/4, SW/4, SE/4 of Section 33, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's day care center in an RS-3 District located at 3127 North Kenosha Avenue.

Presentation:

Sam Taylor, 2032 East Woodrow Court, requested to locate a day care center advising that the subject site was a good location for a day care center. He stated that the hours of operation will be 6:00 a.m. until 6:00 p.m., and children will be brought to the nursery by their parents. Mr. Taylor advised that there is one oversized driveway with the nursery being located in the middle of the block. He advised the Board of a nursery within ten or twelve blocks of the proposed location.

Protests:

Clyde Smith, 3143 North Lansing, area resident and representative of District H presented a petition (Exhibit "D-1") with twenty-two signatures protesting the day care center. Mr. Smith stated that the area was a residential district, well kept and felt if the nursery is allowed it would destroy the neighborhood. He stated that a day care center would be a hazard because the street was too narrow and due to the size of the lot, a circular driveway could not be constructed and felt this was not the area for a day care center.

Board Action:

On MOTION of SMITH, the Board (4-0) denied the Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's day care center in an RS-3 District on the following tract:

Lot 22, Block 3, Hartford Hills Addition to the City of Tulsa Oklahoma.

Action Requested:

Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1227 - Heavy Manufacturing and Industry) to permit a tank farm in an IM District located SE of 21st Street and 33rd West Avenue.

Presentation:

T. G. Spradling, representing the Williams Pipeline Company requested to locate an additional tank at the subject location, advising that the area is surrounded by other oil storage tanks. He submitted a plat (Exhibit "E-1") showing the proposed location of the eleventh tank to be constructed and tanks that are presently constructed.

Protests: None.Board Action:

On MOTION of SMITH, the Board (4-0) approved the Exception (Section 910-Principal Uses Permitted in the Industrial Districts - Section 1227 - Heavy Manufacturing and Industry) to permit a tank farm in an IM District, per plot plan submitted, on the following described tract:

9620 (continued)

All of Williams Brothers Addition to the City of Tulsa, Tulsa County, Oklahoma.

9621

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements to permit a carport to remain 18' into the front yard in an RS-3 District located 4662 North Boston Avenue.

Presentation:

Homer Bolden advised the Board that he constructed the carport five years ago and did not obtain a building permit because he was unaware of a permit being required. He stated that he had received no complaints from neighbors and stated that he would get written letters from them stating that they had no objections to the carport remaining. The applicant submitted a drawing (Exhibit "F-1") showing the layout of the carport.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements to permit a carport to remain 18' into the front yard subject to the applicant submitting letters to the Board meeting of August 18, from the two residents on the north and south side of the subject property, stating that they have no objections to the carport remaining in an RS-3 District on the following described tract:

Lot 9, Block 16, Valley View Acres Addition to the City of Tulsa, Oklahoma.

9622

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector - Appeal from the decision of the Building Inspector) for refusing to issue a permit for a 52' high sign in an AG District; and a Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1670 - Variances) to permit a 52' high sign in an AG District located at 8533 East 58th Street.

Presentation:

Marshall Horne, 6706 South Knoxville, President of the Tulsa Open Door Activities for Youth, requested permission to maintain a 52' high sign on the subject property advising that the sign was erected by Don Rey of Amax-Sign Company, and was advised that a sign permit was not required. Mr. Marshall advised that the sign is in the shape of a cross, 12' high, 9' wide mounted on two pipes telescoped together, anchored in 10' of concrete and elevated 52' high. The applicant submitted a photo (Exhibit "G-1") advising that the sign has a total of approximately 1140 watts on lighting, with the lights being turned off at midnight.

Mr. Horne advised that the sign is well anchored, is needed for the additional lighting, and felt that the sign is appropriate because the center is a Christian angelic organization with different types of recreational activities for youth. The applicant submitted a photo (Exhibit "G-2") showing the identification sign with no lettering, or lighting.

Mr. Horne advised that he has done considerable improvements to the property and feels the project is a real contribution to the neighborhood.

Protests:

Randy Crawford, 8512 East 56th Street, submitted a petition (Exhibit "G-3") opposing the 52' high sign and a letter (Exhibit "G-4") from Eldred Coy Montgomery of the Oklahoma Real Estate Commission, License No. 37226, stating that prospective buyers have expressed objections to a lighted cross (sign) and that it also depreciates the value of the homes from \$4,000 to \$5,000. Mr. Crawford stated that the lighted cross is very disturbing and offensive because it should not be used for this type of business, and feels it is a hazard and will downgrade the neighborhood.

Grant Pace, 5660 South 88th East Avenue, presented a petition (Exhibit "G-5") opposing the 52' high sign, advising that the sign is in poor taste and he is disturbed by the light. Mr. Pace felt the sign should be of a lower and smaller structure and asked the Board to reject the application.

Bruce Knauls, 5619 South 56th East Avenue, stated the sign was being elevated by two posts and he did not feel it is stable enough.

Mike Simmons, 8907 East 56th Street, advised that the sign is on the hill and is very visible and feels this depreciates the value of the homes if the sign is allowed to remain. He also felt the sign had no real purpose in the neighborhood.

Mike Keller, 5625 South 85th East Avenue, stated that the light is radiated outwards and is within 20' of his property. He also questioned the safety of the sign.

Board Action:

On MOTION of GUERRERO, the Board (4-0) denied the Variance (Section 310 - Principal Uses Permitted in the Agriculture District - Under the Provisions of Section 1670 - Variances) to permit a 52' high sign in an AG District; and upheld the Building Inspector's decision for refusing to issue a building permit for a 52' high sign in an AG District, on the following described tract:

A part of the SW/4 of Section 36, Township 19 North, Range 13 East of the IBM, in Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to-wit: Starting at the Northeast corner of the SW/4 of Section 36, T-19-N, R-13-E, Tulsa County, Oklahoma; thence due West along the North line of said SW/4 a distance of 393.86'; thence due South 330.00' to the point of beginning; thence South 02°-06'-13" West a distance of 484.35'; thence South 06°-25'-54" East a distance

of 297.98'; thence North $72^{\circ}-40'-12''$ West a distance of 364.68'; thence due West 264.15'; thence North $30^{\circ}-15'-00''$ East a distance of 240.00'; thence North $19^{\circ}-55'-31''$ East a distance of 166.55'; thence North $11^{\circ}-54'-32''$ East a distance of 193.21'; thence North $30^{\circ}-00'-00''$ East a distance of 136.91'; thence due East 310.72' to the point of beginning, containing 7.12 acres more or less, together with that certain Roadway Easement dated May 19, 1970, between The Carter Corporation as Grantor, and Gene Maritan and R. W. Slemaker, Jr. as Grantees, recorded in Book 3928 at Pages 592-593 in the office of the County Clerk of Tulsa County, Oklahoma, over and across the following described tract of land located in Tulsa County, State of Oklahoma, to-wit:

A tract of land located in a part of the N/2 of the SW/4 of Section 36, Township 19 North, Range 13 East, Tulsa County, Oklahoma, said tract being 50.00' wide and being more particularly described as follows:

Beginning at the southeast corner of Lot 1, Block 3, Woodland View Park 2nd Addition, according to the recorded plat thereof; thence due North along the East line of said Lot 1 a distance of 120.00' to the Northeast corner of said Lot 1; thence due East a distance of 50.00'; thence due South a distance of 183.90' to a point; thence North $79^{\circ}-41'-52''$ West a distance of 0.00' to a point of curve to the left of radius of 241.42'; thence Northwesterly along said curve a distance of 43.44' to a point of tangency; thence due West a distance of 6.79' to a point; thence due North a distance of 60.00' to the point of beginning.

9623

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's day care center in a church building in an RS-3 District located at 7500 East 21st Street.

Presentation:

Grady Adcock, 2913 South 93rd East Avenue, pastor of the Faith Assembly of God Church, requested permission to operate a day care center in the church building. The applicant advised that there was adequate facilities, and adequate parking and spacious enough to drive onto the facility. He advised that the hours will be from 6:30 a.m. until 6:30 p.m., with approximately forty children. Mr. Adcock advised that they were equipped to accommodate eighty-five children.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved the Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a children's day care center in a church building with no signs on the following described tract:

All that part of the NW/4 of the NE/4 of Section 14, Township 19 North, Range 13 East of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, described as:

Beginning at a point 1944.2' West of the NE corner of Section 14, T-19-N, R-13-E; thence West 170' on the North line of Said Section to a point; thence South 384.35' to a point; thence East 170' to a point; thence North 384.35' to the point of beginning.

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to operate a trade school in a CS District (Spartan School of Aeronautics) located on the SW corner of Apache Street and 74th East Avenue.

Presentation:

Ed Adams, attorney for Spartan School of Aeronautics advised that he was asking an Exception to a CS zoning under Use Unit 15, Trades and Services and submitted a detailed statement (Exhibit "H-1") of the facts and circumstances surrounding the request, and maps (Exhibit "H-2") which he deemed would give detailed explanations. He also advised that the Tulsa Airport was the only landowner within 300' of the subject property.

Baxter Bollinger of the School, advised that the mechanic school test valves will be moved across Apache Street to make room for the expansion of the Airport. He advised that there will be less cells than original and will be stored in the building previously occupied by Aircraft Service Division (once used for engine crating, outside storage, Company garage, and engine test cells for overhaul division) and will be ran out as needed.

Carl Cannizzaro, Airport Engineer with the Tulsa Airport advised that the present test cells are on airport land, and since the plans are to expand the property, Spartan has agreed to move the test cells across the street on their own property.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board (4-0) approved the Exception (Section 710-Principal Uses Permitted in Commercial Districts - Section 1215 - Other Trades and Services) to operate a trade school in a CS District (Spartan School of Aeronautics) as presented located on the SW corner of Apache Street and 74th East Avenue on the following described tract:

Lots 22, 23, and 24, of the Subdivision of Lots 8 and 9 of Aerial Heights Addition to the City of Tulsa, Oklahoma.

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; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the five-acre minimum for a mobile home in an AG District located SE of 103rd Street North and 136th East Ave.

Presentation:

Ernest Landwehr, P. O. Box 461, Owasso, representing the owner requested to locate a mobile home at the subject location which is surrounded by mobile homes with the exception of a small handy home, the area is also near a proposed highway. Mr. Landwehr asked the Board for an approval of seven years, stating that one year was a small amount of time for the amount of expense to the owner. He also submitted a plat (Exhibit "I-1") showing the homes in the area and the proposed highway, advising that the highway was not a definite project and if and when it does come through it will be several years, therefore he requested a seven-year approval.

Protests:

Stan Ewing, Planner representing the Owasso Planning Commission stated the subject tract of land is within the fence line of the City of Owasso and advised that the Owasso Planning Commission has a standard referral procedure set up between the TMAPC and other agencies. Since the area is located within the Owasso Fence Line, it is appropriate for the Owasso Planning Commission and City Commission to have an input into the decisions which will effect their future territory. Mr. Ewing stated that a policy was implemented this spring by the Owasso Planning Commission to limit the amount of time for approval to one year, with an annual renewal.

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved the Exception (Section 310 - Principal Uses Permitted in the Agriculture District - Section 1209 - Mobile Homes) to locate a mobile home in an AG District; and a Variance (Section 340 - Requirements for Special Exception Uses in the Agriculture District - Under the Provisions of Section 1670 - Variances) of the five-acre minimum for a mobile in an AG District for a period of four years on the following described tract:

N/2, NE/4, NE/4, SE/4, NW/4 of Section 16, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the front setback requirements from 35' to 32.5' in an RS-1 District located at 6111 East 97th Street.

Presentation:

Joe McCormick, representing Stephen Symsor requested the setback stating that the front of the house protrudes past the setback line. Mr. McCormick submitted a plat survey (Exhibit "J-1") stating that because of the curve in the front of the property, the setback was not measured properly but is not really visible.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 35' to 32.4' in an RS-1 District, per plot plan submitted, on the following described tract:

Lot 2, Block 7, Sun Meadow Addition to the City of Tulsa, Okla.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 25' to 20' in an RS-3 District located at 2111 North Vancouver Avenue.

Presentation:

Cozort Construction Company requested a variance in setback, stating that the home was constructed too close to the property line.

Protests: None.

Interested Parties:

Jack McSorley, 2121 North Vancouver, resides to the north of the subject property, initiated the variance request in order that the house can be shifted farther away from his home, advising that the building only protrudes past the required minimum setback in the curved area but the main portion of the house is 43' back from the property line. Mr. McSorley asked that the Board approve the setback.

Stan Ewing, 2129 North Vancouver, resides on the second lot to the north and indicated that the request was reviewed and approved by the Architectural Revision Committee of Gilcrease Hills Homeowners Association, subject to the approval of the Board. Mr. Ewing stated that he also supports the applicant's request.

Board Action:

On MOTION of SMITH, the Board (4-0) approved the Variance - (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 25' to 20' in an RS-3 District subject to the plot plan submitted on the following described tract:

Lot 16, Block 6, Gilcrease Hills Village II Addition to the City of Tulsa, Osage County, Oklahoma.

9630

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 35' to 28' from 31st Street in an RS-3 District located at 14508 East 32nd Street.

Presentation:

Larry Connors, 195 South 122nd East Avenue, requested the setback advising that the shape of the lot has presented a problem. The applicant advised he obtained a federal grant to purchase the property to build a particular type of house which is too large for the lot and the government will not allow him to trade or exchange lots.

Protests: None.

Board Action:

On MOTION of BLESSING, the Board (4-0) approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements from 35' to 28' from 31st Street on the following described tract:

Lot 9, Block 2, Sunwood Hills Addition to the City of Tulsa, Okla.

9634

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 25' to 20' in an RS-3 District located at the 5800 Block South 89th East Avenue and 5900 Block South 92nd East Avenue.

Presentation:

Greg Frye, 13203 East 34th Street, requested a 20' setback on two lots at the subject locations advising that Lot 20, Block 4, was a corner lot and if the variances are approved, it will enable him to construct larger homes. The applicant submitted plot plans (Exhibit "K-1") and (Exhibit "K-2") showing the proposed setbacks.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the setback requirements on corner lots from 25' to 20' in an RS-3 District, per plot plans, submitted, on the following described tract:

Lot 1, Block 1; and Lot 20, Block 4, Woodland View Park Fourth Amended Addition to the City of Tulsa, Oklahoma.

8.4.77:241(18)

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 25' to 22' in an RS-1 District located 7202 South Birmingham Place.

Presentation:

The applicant, J. M. Wilkinson was not present and the Staff advised that the lot is odd-shaped and submitted a plot plan (Exhibit "L-1") showing the location of the lot.

Protests: None.

Board Action:

On MOTION of GUERRERO, the Board (4-0) approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 25' to 22', per plot plan submitted, on the following described tract:

Lot 5, Block 1, Woodridge Addition to the City of Tulsa, Okla.

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to allow two lots with 3,065 sq. ft. of area to permit a lot-split in an RM-1 District located on the SE corner of Midland Place and Reading Street.

Presentation:

Donald Detrich, the applicant was not present and the Staff advised that the Planning Commission had approved the lot-split subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to allow two lots with 3,065 sq. ft. of area to permit a lot-split (L-14084) in an RM-1 District on the following described tract:

The North 65' of the W/2 of Lot 10, Block 3 and the South 65' of the W/2 of Lot 10, Block 3 all in Roosevelt Addition to the City of Tulsa, Oklahoma.

9643

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 25' to 20.75' in an RS-2 District located south and east of 23rd Street and Yorktown Avenue.

Presentation:

The applicant, Design Properties, Inc., was not present. The applicant requested a variance in setback of a proposed construction and submitted a plot plan (Exhibit "M-1").

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) approved the Variance (Section 430-Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the rear yard requirements from 25' to 20.75' in an RS-2 District, per plot plan submitted, on the following described tract:

Lot 6 and the East 9' of Lot 7, Block 2, Wildwood Addition
to the City of Tulsa, Oklahoma.

9628

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1209 - Mobile Homes) to maintain a mobile home in an RS-3 District located at 1914 East Marshall Place.

Presentation:

The applicant, Jan Whorton was not present and the Staff advised that the applicant was requesting to maintain the mobile home for another year. The Staff advised that the subject mobile home is the only one in the area.

The Chairman stated that the Board wanted to know the circumstances for a renewal.

Protests: None.

Board Action:

On MOTION of SMITH, the Board (4-0) continued application 9628 until August 18, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

There being no further business, the Chair declared the meeting adjourned at 5:45 p.m.

Date Approved

Sept 15, 1977

Fathey Purser

Chairman

8.4.77:241(20)