

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 245
Thursday, October 6, 1977
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Guerrero, in at 1:35 p.m., out at 5:15 p.m. Smith Walden Purser, Chairman	Jolly	Edwards Gardner Jones Dyer, Mrs.	Linker, Legal Department Miller, Mrs. Building Insp. Department

The notices of said meeting were posted in the Office of the City Auditor, 9th floor, Room 919, City Hall, Tulsa, Oklahoma on October 3, 1977 at 4:15 p.m. and, October 5, 1977 at 1:27 p.m. as well as in the Reception Area of the TMAPC Offices, 3rd floor, City Hall.

The Chairman called the meeting to order at 1:31 p.m., declaring a quorum present and advising the Board and those present that because of the new Open Meeting Law, which became effective October 1, 1977 the Board would have roll call vote after each application and each member's vote would be recorded individually.

MINUTES:

On MOTION of SMITH, the Board 3-0 (Smith, Walden, and Purser "aye", Guerrero and Jolly "absent") approved the Minutes of June 16, 1977 (No. 238); and the Minutes of September 1, 1977 (No. 243) with one correction to Case #9627 being that the Board approved the application (3-0-1) with Smith "abstaining".

UNFINISHED BUSINESS:

9670

Action Requested:

Appeal (Section 1650 - Appeals from the Building Inspector - Appeal from a decision of the Building Inspector to immediately stop trucking operations in an RS-3 District, and an

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420 - Accessory Uses in Residential Districts) to park trucks overnight on the property used by the tenants in an RS-3 District located at 8200 South Union Avenue.

Presentation:

Charles Sublett, the applicant, stated that he was informed by Mr. Pauling, Legal Department, that a Use Variance rather than an Exception would be required to allow the use, and therefore, the existing notice is defective. He requested to continue the application in order to amend the application and republish and re-mail notices to all property owners within a 300' radius of the subject property.

9670 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden, and Purser "aye", Jolly "absent") continued application #9670 until November 3, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9680

Action Requested:

Variance (Section 207 - Street Frontage Requirements - Under the Provisions of Section 1670) to permit 4 lots with 5' frontage and 4 lots with 15' frontage on a dedicated street, and a

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) to permit 8 lots with less than 60' frontage, and a

Variance (Section 440 (3) (c) - Special Exception Uses in Residential Districts - Under the Provisions of Section 1670) to permit 8 duplex lots with less than 75' frontage and 8 duplex lots with less than 9,000 square feet of area, and an

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to erect 15 duplexes in an RS-3 District located on the southeast corner of 43rd Street and Detroit Avenue.

Presentation:

Charles Burris, 2925 East 57th Street, representing the applicant, stated that the lot-split requests were approved by the Planning Commission, including two private streets, subject to the Board's approval. Mr. Burris stated that the City required a portion of the property to run a water line taking a portion of the property leaving approximately 8,900 square feet. He stated that approximately 23% of the property in the general area is rental property advising the Board of other duplexes and multifamily dwellings in the area. Mr. Burris added that he was not asking for a zoning change and that he had met with the protestants and gave them information about the proposed development. He stated that he plans to build under the owner occupant type plan of the FHA. He advised that the proposed developments will be two and three bedrooms with garage, with a minimum of 800 square feet in the two bedrooms and 9,080 in the three bedrooms. He also stated that the developments will be larger than the existing residences. He advised that the exterior would be of stone, wood, brick and masonry construction and that he plans to sell the duplexes to a single party to live in one side and the other side could be sold or rented. Mr. Burris advised the Board that the development contained private streets. He stated that there will be three duplex units facing 43rd Street. Mr. Burris also advised the Board of the 25' street dedication on both sides of Detroit. Upon questioning by the Board, Mr. Burris stated that a detailed plot plan was not available for the Board. Board Member Smith stated that if a plot plan was available, there may be a possibility of erecting a berm to screen the duplexes from neighbors.

Mr. Gardner, TMAPC, advised that the Board's primary concern should be whether the developments will be single-family or duplexes. The Planning Commission has approved the lot-split application subject to the approval of the Board. Mr. Gardner stated that the property is presently divided in four large lots fronting Detroit Avenue. He stated that there were 15 lots being created from the 4 lots.

Protests: Approximately 15 present.

B. W. Stilley, 4348 South Detroit Avenue, advised that he resides on the west side of Detroit and opposes the proposed development and submitted a protest petition (Exhibit "A-1") with 140 signatures. Mr. Stilley stated that the area residents were opposing the change in zoning from single-family to duplexes and have reasons to support their opposition. He stated that the proposed development would create a high-density environment and more traffic than the neighborhood should be subjected to. Mr. Stilley also felt that the duplexes would be rental property and the upkeep would be nothing to be desired. He added that Detroit is the only through Street from 51st to 41st and traffic is increased tremendously and felt that an additional development would add more congestion to the area which is buffered by only two or three blocks between them. Mr. Stilley stated that they have no objections to single-family residences; however, they do not want their views blocked by board fences or look into the back or sides of duplexes. If the development is allowed it would be very undesirable. He added that there are only two isolated duplexes to the north of the property at present and preferred that single-family residences be constructed in the area.

Katherine Stilley, 4348 South Detroit Avenue, stated that the proposed development will create too much heavy traffic. She stated that the existing traffic is very heavy. There is a school in the vicinity and small children attend this school. This development would add to the traffic which would be more dangerous to the children.

Jerry Edison, 4309 South Madison Place, stated that he resides one-half block from the proposed development and many of the area residents have added onto their homes and have lived there many years and feel that their homes are above modest. Mr. Edison advised that many of the residents are older people who do not wish to move or change. To allow the development in the neighborhood would be wrong.

The Chairman stated that the Board doesn't have a specific plot plan to look at and questioned Mr. Burris as to the possibility of building single-family residences. Mr. Burris stated that single-family would not be acceptable.

Board Action:

SMITH moved that the application be approved as requested with the variances and exception subject to the applicant submitting a detailed plot plan with appropriate landscaping being presented to the Board and being approved by the Board prior to granting a building permit.

Motion died for lack of a second.

On MOTION of GUERRERO, the Board 3-1-0 (Guerrero, Walden, Purser "aye", Smith, "nay", Jolly "absent") denied the Exception (Section 410-Principal Uses Permitted in Residential Districts - Section 1207-Duplex Dwellings) to erect 15 duplexes in an RS-3 District.

The Chairman advised that there was another order of business in the application to be taken care of and asked for a motion on the lot-split question.

On MOTION of SMITH, the Board 4-0 (Smith, Walden, Guerrero, Purser "aye", Jolly "absent") approved a Variance (Section 207 - Street Frontage Required - Under the Provisions of Section 1670 - Variances) and a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) to permit Lot-Splits (L-14104, L-14105, L-14106) as requested and approved by the Planning Commission. The following described being:

Block 5, Demorest Addition to the City of Tulsa, Oklahoma.

NEW APPLICATIONS:

9681

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to locate a church in an RM-1 District; and a

Variance (Section 1205.3 - Use Conditions) of the one-acre minimum for a church located at 116 North Norfolk Avenue.

Presentation:

Melvin Davis, Pastor of the Church, applied to conduct church services on the subject property, advising the Board of the condition of the property when he first began services there. Rev. Davis stated that the property was vacant and had been condemned by the City and was in use by dope addicts and children sniffing glue. They acquired the property and began church services which has enabled them to build a great Church. He asked permission of the Board to maintain the property until the church is able to move in another area. Rev. Davis advised that he and his wife have been ordained ministers and missionaries for twenty-five years and have kept orderly services but due to the confusion many of the members have abandoned the church. He stated that this was originally a house converted for church services and at present there are 12 or 15 people attending, most of whom are children. Rev. Davis added that there are about four families represented in the activities in the church, and advised that they do have ample parking with access to the adjoining lot which is 120' long and 30' wide and have received permission to use the lot for one and one-half years for temporary parking. Rev. Davis submitted letters from area residents and businesses having no objections to church services being conducted at the subject location. Letter (Exhibit "B-1") from Mrs. Lucille Young expressing the need for the church because it gave the children a place to go and not be in the streets.

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9681 (continued)

A letter submitted by TAAG, Inc., 528 East Marshall Avenue, (Exhibit "B-2") voicing their support for the church, also a letter (Exhibit "B-3") from Mr. and Mrs. Harold P. Smith, 1122 East Easton Street, stating that they attend the meetings regularly and approved of the church wholeheartedly.

Paramount Distributors, Inc., 1131 East Easton Street, submitted a letter (Exhibit "B-4") advising that they had no objections to the church, also a letter (Exhibit "B-5") from Martin Equipment Sales, 123 North Norfolk Avenue, having no objections to the Wings of the Morning Tabernacle.

Rev. Davis stated that those objecting to the church services being held at the subject location were originally in favor of the church being established at this location. He stated that there are no loud noises or disturbances because they do not have microphones and they are a nondenominational operation.

Rev. Davis stated that the complaints concerning the cars were of his relatives and not those of the church members because the church has ample parking. He stated that he, his wife and church members have agreed to sign any type agreement to remain there temporarily until they can move out of the area, because they do not wish to remain in an area where they are not wanted and whatever the Board set as restrictions they would comply.

Mrs. Miller, Building Inspection Department, stated that her office received a complaint that a church was moving into a house without a building permit and there was also a sign on the church building.

Protests: Approximately 10 present.

Allen Mitchell, representing the protestants, submitted nine Photos (Exhibit "B-6") advising that the photos are being submitted by those protesting the church in the neighborhood. Mr. Mitchell added that the church is very small with two or three, and maybe, ten people attending at this time. He stated that the church does have adequate parking, but there was noise with their activities and there are not many people attending at a regular time. He also stated that there are loud outbursts that can be heard from the church and felt there is not a necessary hardship. He felt the property is a house and should be maintained as a house. Mr. Mitchell added that the church is on a street that does not cause problems, the problem is in the backyard with the members being 17' away from the nearest resident as well as being a disturbance to other neighbors. He also read a letter (Exhibit "B-7") from Robert Wright, 1036 E. Easton St., opposing the use of the property as a church, and if approved, he felt the Board should set restrictions as to the time of the meetings. There were also seventeen letters (Exhibit "B-8") submitted to the Board protesting the church remaining in the neighborhood. He stated that based on past experiences there have been a great amount of disturbances and asked the Board to deny the application, but if the application should be approved, there should be restrictions set and asked the Board to visit with the neighbors to check the conditions.

9681 (continued)

Opal Raines, 1044 East Easton Street, stated that she lives in the corner house and the church is too close to her bedroom window which is 17' away. She stated that she is disturbed by the noise which presents a problem for her sleeping. She advised that there has been a door installed on the north side of the church, which is on the side of her house which also creates a problem for her sleeping. Mrs. Raines advised that she informed the Pastor of the Church, before the church was started that they could not endure loud noise. She said there are times when their driveway is blocked by cars, and in her closing remarks stated that the church is too close to her house and she cannot go to bed until church is over.

Bob Wright, 1036 East Easton Street, advised that he owns lots 4 and 5 and the church property is in back of his house and said there is an increased amount of traffic and at night the lights are disturbing.

Board Action:

On MOTION of GUERRERO, the Board 4-0 (Guerrero, Smith, Walden, and Purser "aye", Jolly "absent") denied the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to locate a church in an RM-1 District; and a Variance (Section 1205.3 - Use Conditions) of the one-acre minimum for a church on the following described tract:

The South 50' of Lots 1, 2, 3, and 4, Block 7, Frisco Addition to the City of Tulsa, Oklahoma.

9688

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 25' to 11' in an RS-2 District located at 3706 South Delaware Place.

Presentation:

Paul Ziegenfuss, the applicant applied to convert the present garage into living area and build a new garage which will extend west into the 25' rear yard to within 11' of the property line. The applicant stated that he lives on a corner lot and does not have enough room. Mr. Ziegenfuss advised that there will be approximately 30' between his property and the house on the west and 35' on the south. The applicant submitted a plot plan (Exhibit "C-1") and advised that there is a 3' high retaining wall.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden, and Purser "aye", Jolly "absent") approved the Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670 - Variances) of the rear yard requirements from 25' to 11', per plot plan presented, on the following described tract:

9688 (continued)

Lot 1, Block 2, El Mar Addition to the City of Tulsa, Oklahoma.

9689

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-1 District located in the 4800 Block of South 65th West Ave.

Presentation:

Mr. Tom Gardner, representing his son who is presently residing in Dallas, advised that his son purchased four acres of property and has a double width mobile home for which the utilities have been installed. He requested to locate the mobile home 400' from the street on the subject property. Mr. Gardner advised that the property is zoned residential and his son has purchased the 25' right-of-way easement which leads to South 25th West Avenue. He advised that his son does plan to build a home and remove the mobile home. He advised the Board of other mobile homes in the area.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate a mobile home in an RS-1 District for one year with removal bond required on the following described tract:

West 264' of the W/2 of the SE/4 of the NE/4 of the SE/4 of Section 30, Township 19 North, Range 12 East; and the S. 25' of the E/2 of the SE/4 of the NE/4 of the SE/4 of Section 30, Township 19 North, Range 12 East; and the South 25' of the East 66' of the W/2 of the SE/4 of the NE/4 of the SE/4 of Section 30, Township 19 North, Range 12 East, City of Tulsa, Ok.

9691

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 640 - Special Exception Uses in Office Districts - Under the Provisions of Section 1680 - Exceptions) to permit multi-family dwellings and similar uses in an OM District; and a

Variance (Section 206 - Number of Dwelling Units on a Lot - Under the Provisions of Section 1630 - Minor Variances) to build more than 40 units on one lot located SE of 71st Street and Utica Avenue.

Presentation:

Charles Norman, attorney, representing the Riverside Company, owner of the Kensington Company, applied for an exception to permit multi-family dwellings and similar uses in an OM District, and a variance to permit more than 40 units on one lot of 14.50 acres located on the south side of 71st Street and immediately east of Joe Creek Channel. Attorney Norman advised that the property is zoned commercial and a portion of the property to the west of Joe Creek has

9691 (continued)

been approved for multifamily use. To the north of 71st Street is office use and multifamily with one tract zoned RS-3 which was purchased by the Hardesty Company. Attorney Norman stated that there will be 256 one-bedroom units, 64 two-bedroom units and 34 efficiency units. Attorney Norman submitted a plot plan (Exhibit "D-1") of the proposed development and advised of the 2,400 square feet of livability space. Mr. Norman also submitted a booklet (Exhibit "D-2") relating the proposed plan of the Kensington development. Mr. Norman asked that the application be approved subject to the site plan and the approval, by the Planning Commission, of the final plat of Block 7 which is under application, and asked that the exception be approved for that use. Mr. Norman advised that there are 424 dwelling units which are in accordance with the Zoning Code and advised that the preliminary plans have been approved.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Guerrero, Smith, Walden and Purser "aye", Jolly "absent") approved the Exception (Section 610 - Principal Uses Permitted in the Office Districts - Section 640 - Special Exception Uses in Office Districts - Under the Provisions of Section 1680 - Exceptions) to permit multifamily dwellings and similar uses in an OM District; and a Variance (Section 206 - Number of Dwelling units on a Lot - Under the Provisions of Section 1630 - Minor Variances) to build more than 40 units on one lot subject to platting the property and subject to the plot plan in concept (no other waivers) in the following described tract:

All that part of the N/2 of the NE/4 of Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows: .

Commencing at the northwest corner of said N/2 NE/4; thence North $89^{\circ}-54'-43''$ East along the North boundary of said N/2 NE/4 a distance of 20.00 feet; thence South $0^{\circ}-03'-41''$ West a distance of 60.00 feet to the point of beginning; thence North $89^{\circ}-54'-43''$ East parallel to and 60.00 feet from the North boundary of said N/2 NE/4 a distance of 940.65 feet; thence South $00^{\circ}-58'-05''$ West a distance of 0.00 feet; thence on a curve to the right having a radius of 1,085.00 feet a distance of 454.51 feet; thence South $24^{\circ}-58'-11''$ West a distance of 30.00 feet; thence on a curve to the left having a radius of 626.38 feet a distance of 256.94 feet; thence South $89^{\circ}-54'-43''$ West a distance of 878.92 feet; thence North $25^{\circ}-28'-02''$ East a distance of 0.00 feet; thence on a curve to the left having a radius of 1,135.00 feet a distance of 503.28 feet; thence North $0^{\circ}-03'-41''$ East a distance of 228.34 feet to the point of beginning, containing 634,485 square feet or 14.5658 acres.

Action Requested:

Variance (Section 1221.3 (a) - Business Signs and Outdoor Advertising - Under the Provisions of Section 1670 - Variances) of the 40' setback requirements from an R District to permit an outdoor sign in a CH District located at 2570 South Harvard Avenue.

Presentation:

Charles Gotwals, attorney for Donrey Advertising Company, applied for a variance of the minimum 40' setback requirements from an R District to permit an outdoor advertising sign. He advised the Board of a long, narrow one-story medical building located on the south side of Harvard Avenue and the bulletin type sign is located within 9' to 10' of the residential District. Attorney Gotwals submitted photos (Exhibit "E-1") showing the location of the sign structure and advised that the contractor who installed the sign stated that if the sign was erected against the building, it would have blocked two parking spaces. Mr. Gotwals advised that if they complied with the Code the sign could be moved 29' back to the east, but it would not make that much difference. He advised that the sign was a very large permanent type structure, approximately 40' high, located on the west side of the parking lot and the lights will be at the bottom of the sign which will face in an easterly direction. Mr. Gotwals added that the sign is located in a CH District which is high-intensity commercial and felt the sign is not objectionable and they have met all other requirements. He further added that the house to the west is on an incline of 10' and the sign is about 9' or 10' from the property line and the lights will not shine into the house. Mr. Gotwals stated that the sign will not cause danger to anyone, explaining that the death of one worker was due to the contact of the boom crain against the electrical wiring during the installation. He stated that he does have a permit to erect the sign which is 14' x 48', 672 square feet, all metal on two steel posts which has costed approximately \$8,900.00 and is better constructed than any of the homes in the area. Mr. Gotwals termed his hardship as expense, inadvertence and a mistake, adding there will be a big sign on the property which can be seen from the Nanny residence and it could have lights on both sides. He stated that he was trying to handle the matter in such a manner as it would not be objectionable and that the lights will be high up on the sign and will not shine into the Nanny residence. Moving the sign a short distance to the east would not make that much difference.

Upon questioning by the Chairman, Mr. Gotwals stated that he was not making a threat but was merely stating his client's rights as to what type of sign he could erect.

Mrs. Miller, Building Inspection Department, stated that her office received a complaint and an Inspector went out to inspect the sign and determined that due to the height of the sign, the lighting should not affect the residential district, however the sign was erected closer than allowed.

Protests:

Charles Calvert, 3177 East 26th Street, stated that he lives in the second house to the west of the proposed sign. He submitted a petition (Exhibit "E-2") from the area residents opposing the erection

9126 (continued)

Presentation:

The applicant was not present. The Staff advised that the Board had approved an apartment complex in 1976 subject to a specific plot plan. The applicant has changed the plot plan slightly and will build only duplexes, no apartments, thereby reducing the number of permitted units in the same basic configuration.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Smith, Walden, and Purser "aye", Guerrero and Jolly "absent") approved acceptance of a substitute plot plan on the following described tract:

All of Lots 1, 10 and 11, Block 1; and part of Lots 8 and 9, Block 11, Foydell Addition to the City of Tulsa, Oklahoma, beginning at the NE corner of Lot 8, Block 11; thence South 190'; thence West 220'; thence North 7.3'; thence Northeasterly 284.7' to the point of beginning.

OTHER BUSINESS:

Resolution:

The Staff informed the Board, that the Board was to sign and approve a Resolution of Appreciation for Mr. John Blessing who recently resigned after 3½ years of service to the community.

On MOTION of SMITH, the Board 3-0 (Smith, Walden, Purser "aye", and Guerrero, Jolly "absent") approved the Resolution of Appreciation (Exhibit "M-1") for Mr. John Blessing for his three and one-half years of service on the Board.

Interpretation:

Section 203 - District Boundary Description & Interpretation. The Board was advised that a mapping error, involving a zoning district boundary line, had occurred in 1970 on the east side of Lewis Avenue, south of 4th Street and extending to 1st Street. The Staff inquired as to whether the Board could correct the error through official Board interpretation of the Map under Section 203, or whether the Staff would have to advertise and give notice as in a zoning amendment.

After discussion, the Chairman advised the Staff that a public hearing would be necessary and proper notice given.

There being no further business, the Chair declared the meeting adjourned at 6:05 p.m.

Date Approved

November 3, 1977
Fathy Purser
Chairman

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