

BOARD OF ADJUSTMENT  
MINUTES of Meeting No. 246  
Thursday, October 20, 1977  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Jolly Smith, (in 1:38 p.m.) Walden Purser, Chairman	Guerrero	Edwards Gardner Jones Dyer, Mrs.	Pauling, Legal Dept. Miller, Mrs., Building Inspector's Office

The notices of said meeting were posted in the Office of the City Auditor, 9th Floor, Room 919, City Hall, Tulsa, Oklahoma, on October 18, 1977 at 3:30 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 1:35 p.m., declaring a quorum present.

MINUTES:

On MOTION of JOLLY, the Board 3-0 (Jolly, Walden and Purser "aye", Smith and Guerrero "absent") approved the Minutes of September 15, 1977 (No. 244).

NEW APPLICATIONS:

9718

Action Requested:

Exception (Section 610 - Principal Uses Permitted in the Office Districts- Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a home for teenagers (10 persons) in an OL District located at 1701 South Peoria Avenue.

Presentation:

The Staff advised that the State of Oklahoma had withdrawn the application. Board Member, Mr. Jolly, advised that the State of Oklahoma for some reason had chosen not to come before the Board, therefore, withdrawing the application. All interested parties and/or protestants to the application should contact Mr. Pauling in the City Legal Department as to what recourse you may have.

9713

Action Requested:

Variance (Section 410 - Principal Uses Permitted in Residential Districts- Under the Provisions of Section 1670) of a Use Variance to permit professional office use in an existing residence, in an RM-2 District located at Riverside Drive, between Galveston and Houston Avenues.

Presentation:

Phil Eller, attorney, representing the protestants in the case, requested a continuance of application #9713 to the meeting of November 3, 1977. He advised that Mr. Charles Norman is in agreement with the continuance.

Protests: None.

9713 (continued)

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden, Purser "aye", Guerrero "absent") continued application #9713 to November 3, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9705

Action Requested:

Exception (Section 240.2 (h) - Permitted Yard Obstructions - Under the Provisions of Section 1680) to erect a carport in the required side yard in an RS-3 District located at 561 South Maplewood Avenue.

Presentation:

Edythe Coats, 561 South Maplewood applied to build a carport on the north side of her home, adding that it would add to her property value and to the neighborhood as well as being a convenience for her sister and herself. Mrs. Coats noted that there is an existing 24' wide concrete slab that retains ice in the winter, and a carport would help eliminate this problem. She explained that the double wide concrete slab was the result of the addition of another garage, which is not large enough for a very large automobile. She stated that the carport would also be a means of safety for her sister and herself during the winter months. The applicant advised that she would prefer the carport be 24' x 30' that will extend across the building setback line, but not to the street. She submitted a photo (Exhibit "A-1") of the proposed carport advising that she presently has a double driveway, with a garage on the east side of the house.

Board Member, Mr. Jolly, noted the plot plan showed the proposed carport to be 24' x 28', constructed on the east side of the house, which was incorrect and stated would be of little value to the Board.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Guerrero "absent") continued application #9705 to November 3, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, to await a proper plot plan.

9710

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts- Under the Provisions of Section 1670) of the setback requirements from 35' to 33.1' on a corner lot in an RS-1 District located at 4008 East 103rd St.

Presentation:

Ron Kelly, 4244 East 77th Street, applied for a waiver of the setback requirements from 35' to 33.1' on a corner lot advising that when the home was built the lot was excavated into the embankment to give proper drainage and prevent water damages. In the process the building line was built over the setback line 2'. He also added that he has a unique shaped lot and submitted a plot plan (Exhibit "B-1") showing the proposed structure extending beyond the building line.

10.20.77:246(2)

9710 (continued)

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Guerrero "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1670) of the setback requirements from 35' to 33.1' on a corner lot, per plot plan submitted, on the following described tract:

Lot 4, Block 2, Shady Oaks Addition to the City of Tulsa, Okla.

9711

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwelling) to erect a duplex in an RS-3 District located at 6122 South Fulton Avenue.

Presentation:

Ron Kelly, 4244 East 77th Street, applied to erect a duplex at the subject location, advising that he purchased for lots, Lots 12, 13, 14 and 15 and is currently erecting single-family residences on Lots 13 and 14. Mr. Kelly stated that when he purchased the lots he made application with the Architectural Review Committee and submitted the plans for all four lots to be single-family. After construction had started, Mr. Kelly advised that his associate occupied 6128 South Fulton Avenue which is immediately south of the subject property. He advised that they had demonstrated their good faith by making the area single-family residences by erecting single-family residences on Lots 13 and 14. Mr. Kelly advised that across the street to the east is a single-family residence, on the corner of Fulton is a duplex and he prefers to build his own personal home next to his own duplex as opposed to an older duplex, as the newer investment will be more enhancing. He stated that if the development is not permitted they will have to build a single-family residence next to the existing duplex. The applicant advised that they have started to build single-family homes and would like to extend the buffer area one more lot.

Protests: Approximately 10 present.

Donald Wessler, member of Warrenton Homeowner's Association, submitted a protest petition (Exhibit "C-1") with 88 signatures, representing fifty-nine homeowners opposing the erection of the duplex advising that the duplex would be an encroachment in their single-family area and a use contrary to the Comprehensive Plan and Zoning Ordinance.

Calvin Hanan, 6125 South Fulton Avenue, advised that he resides across the street from the subject property and felt it would lower the value of his property by putting in two homes instead of one, which means more cars. Mr. Hanan stated that he felt the duplex would be a rental unit which would severely damage his home as well as others, also his home faces the subject location.

Eugene Mann, 6143 South Fulton Avenue, noted that he resides one house south and across the street. He stated that there is a restrictive covenant in the subdivision plat of the area which restricts these lots to single-family residences and felt it should remain as such. He advised

that he is against the duplex being erected in the area because it would decrease the value of their homes and he preferred the zoning not be changed.

The Chairman advised that the Board does not change zoning.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden, and Purser "aye", Guerrero "absent") denied the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1207 - Duplex Dwellings) to erect a duplex in an RS-3 District on the following described tract:

Lot 12, Block 1, Warrenton Addition to the City of Tulsa, Okla.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to sell flower pots as a home occupation in an RS-3 District located at 1245 South Newport Avenue.

Presentation:

Glenda Dodson, 1245 South Newport Avenue, applied to sell flower pots and plants on her lawn advising that she has in the past sold pots and plants and does not have any close neighbors who might object. Mrs. Dodson stated that some days she has approximately six customers and some days she doesn't have any. Upon questioning by the Board, Mrs. Dodson stated that she had consulted with Mr. Jenkins, of the Building Inspector's Department, who informed her that she could continue her business in the manner of a garage sale on Saturday, pending her application before the Board. Mrs. Dodson informed the Board of a worm farm business in the neighborhood. Upon questioning by the Board, Mrs. Dodson was aware of Item (c) under Home Occupations and stated that she agreed to abide by all home occupational requirements.

Mrs. Miller, Building Inspection Department, stated that her office received a complaint of the subject application, and the applicant was instructed to discontinue her business, and an inspector was sent out on September 16, 1977 and found no evidence of the sale of flower pots.

Protests:

Carla Lund, 1220 South Owasso Avenue, submitted a protest petition (Exhibit "D-1") protesting the sale of flower pots as a home occupation. She desires to maintain the present residential status of the neighborhood and stated that an exception would endanger the neighborhood. Mrs. Lund also submitted a copy of the newspaper adds and photos (Exhibit "D-2") displaying signs and advertisements of the proposed business. Mrs. Lund stated that people are buying and restoring homes in the neighborhood, and the area residents are trying to maintain single-family residences. If the exception is allowed, it might aid in changing the zoning in the future. Mrs. Lund advised that if there are other home businesses being operated in the area, they are operating without a permit. If other businesses are being conducted in the area, the residents will do something about it, and asked that the applicant not be given permission to operate the business.

Pat Ledbetter, 1212 South Owasso Avenue, advised that she purchased her property two years ago and checked the zoning and found it to be residential and stated that if the exception is allowed, the sale of homes in the area might be discouraged. Mrs. Ledbetter stated that the applicant sells more than just pots and uses her garage as a display area. She also stated that the pots were displayed hanging on the outside of the garage. Mrs. Ledbetter advised that the applicant has not abided by the zoning rules in the past and felt she would not in the future and asked that the business not be allowed in the neighborhood.

Board Action:

On MOTION of JOLLY, the Board moved to approve 2-2 (Jolly, Smith "aye", Walden, Purser "nay", Guerrero "absent"), the Motion failed for lack of 3 affirmative votes, an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (2) - Home Occupations) to sell flower pots and plants as a home occupation on the following described tract:

Lot 12, and the South 15' of Lot 13, Block 6, Ridgewood Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680.1 (g) - Special Exceptions) for permission to establish off-street parking in an RS-3 District; and an access opening on 42nd Place located SE of 42nd Street and Peoria Avenue.

Presentation:

Louis Levy, Suite 200, 525 South Main Street, representing the John Zink Company, applied for off-street parking in a residential district and an access opening on 42nd Place. Attorney Levy advised that John Zink Company had purchased Lots 16, 17 and 18 in the Don Lee Addition. Mr. Levy displayed an aerial photo pointing out the proposed location of the off-street parking, and advised the Board that they have received approval previously on six lots for off-street parking. They are in the process of removing these homes in order to locate the parking lot. Upon questioning by the Board, Attorney Levy stated that if the request for an access opening to 42nd Place is denied, they have other means of access to Peoria Avenue. Mr. Levy stated that the six lots previously approved for off-street parking were involved in District Court litigation as to the issue of where the screening fence would be constructed and the access point of 43rd Street. He stated that on December 2, 1976, the Board required the fence be setback 35' from the centerline of the street and required a jog on the east and west side of two houses which the John Zink Company did not own. He advised that they were requesting the fence be on the property line, which would be 25' from the centerline, and was rejected and have taken the matter to District Court and have not had a ruling from the Court as to the fence setback.

Mr. Levy advised the Board of a temporary wood fence around the six lots which will be replaced by a permanent fence of the same kind as exists on Rockford Avenue. He also advised that he is requesting to build the fence

on the property line and not 10' from the property line. He advised that the fence will be of concrete block, painted light green, with shrubbery or trees planted between the wall and the curb. He advised that at present there are approximately fifty trees. Mr. Levy advised that if the Board should approve the application with a requirement of a 10' setback from the property line on Lots 16, 17 and 18, they will object and will go to Court likewise, because he does not feel the Board has the right to make that condition. Mr. Levy stated that a 10' setback would mean 200' of property, which is about \$4.00 per square foot and approximately \$8,000.00. In order for the John Zink Company to agree to this much of a property loss, there must be a valid reason for the fence to be setback 10' from the property line. Mr. Levy stated that a setback of 50' would amount to eliminating 50 parking spaces that will be needed in the future as well as some \$23,000.00 worth of property. Mr. Levy stated that a 10' setback without a good reason such as safety, was unconstitutional and invalid and is taking private property without payment or just compensation. Mr. Levy stated that the Ordinance permits the erection of a fence on the property line and informed the Board of other homes, where the fence is erected on the property line. Attorney Levy noted that he saw no reasons why the fence could not be built on the lot line, especially those on the corner lots.

Board Member, Mr. Jolly, responded by stating that the function of the Board of Adjustment is to consider proposed exceptions or changes to properties within the framework of the Code and sometimes you give something up in order to receive something in return. Mr. Jolly stated that the Board felt a 10' setback would lessen the impact on the neighborhood by having some additional setback and greenery located there. Mr. Jolly advised that this setback was part of an overall plan submitted by the applicant to the Board and the neighborhood in the very beginning, and he felt that access only to Peoria Avenue, not through the residential area, is still a good plan. Mr. Jolly also made mention of other parking requests where the fences were required to be setback at the building line, and stated it has happened many times and the "taking of property" has never been challenged because of the trade-off. The Board has worked in terms of a plan that would be beneficial to the applicant and the neighborhood and feels the overall idea of getting all of the parking inside the wall rather than on the street is still a good plan.

Mr. David Pauling of the Legal Department, pointed out two considerations stating that he and Mr. Levy have a disagreement as to what the Court is yet to decide. We have discussed our disagreements and the Court will determine who is correct. He stated that the disagreement results from the fact that the applicant came in and asked for off-street parking on the lots originally advertised for a 35' setback. Later there was a republication of the notice pertaining to the setback requesting the fence be set on the property line. Mr. Pauling advised that the matter went before the Board in December, 1976 and during the presentation and discussion of the application it was stated that it was the intent of the applicant to treat 43rd Street in the same manner, consistent with the treatment on 44th Street. The setback on 44th Street is 35' and the applicant has made an effort to landscape this strip and the minutes of a previous hearing on this matter reflected that the applicant after discussion, again amended to 35'. Mr. Pauling stated that the Board was further advised that the treatment would be consistent with the treatment on 44th Street and there

would be trees and landscapings provided. The Board on those representations approved the fence with a 35' setback from the centerline of 43rd Street. He advised that the issue now being argued in Court is that the setback and landscaping were imposed upon the applicant without his agreement. Mr. Pauling stated that the disagreement related to Rockford Avenue since the Rockford setback is not set back 10', but on the property line. Mr. Pauling stated that he felt the difference in the setback on Rockford as opposed to 43rd or 44th is that there are no homes fronting the wall on Rockford.

Protests:

Bill Reinhard, 1344 East 42nd Place, submitted a protest petition (Exhibit "E-1") representing 222 homeowners opposing the access opening on 42nd Place and placing the wall on the property line. Mr. Reinhard stated that he resides about four doors from the subject location and he felt it would be a safety hazard because vision would be obstructed. He also stated that he felt the access opening would be dangerous to the children in the area as well, and he opposed the wall on the property line.

Glen Wynn, Representative of District 6 for the area, stated that he does protest any access opening on 42nd Place. He further stated that he does not have the right to say that John Zink Company cannot have off-street parking, since they own the property, but he does oppose the access entrance. He stated also that according to his measurements the fence is not set back 35' from the center of the street.

Richard Fisher, 1335 East 42nd Place, stated that he has resided in the area for twenty-five years and the traffic has increased tremendously. An access to 42nd Place or 43rd Street will further add to the traffic congestion. Mr. Fisher stated that he has had his own cars wrecked in his driveway as well as on the street. In addition, there would be danger to the children' therefore, he does protest the access drive. Mr. Fisher stated that the traffic from Pennington's Drive-In combined with the proposed John Zink's access opening would be to great.

Darlene Vinal, 4155 South Rockford Place, advised that the access opening does not affect her home but she does have a child that walks home from school in that direction and traffic is a great concern to her, as well as to her neighbors. She further added that the access opening would increase the traffic on Rockford Place which she is opposing.

David Rowe, 1367 East 43rd Street, advised that he resides across the street from the fence and there are no side walks on Rockford, 42nd or 43rd and an additional access opening would be a hazard for the children and some adults.

Elva Best, 1542 East 43rd Street, advised that there is a great amount of traffic at present, and if the access opening is allowed the traffic would be increased. She stated that there is a school in the area and she does protest for traffic reasons.

Mrs. Bank Burrow, 1321 East 42nd Place, advised that she resides near the proposed exit and has no objections to parking behind a fence, but she does object to an exit. Most of the area residents own two cars and most of the time one car is parked on the street, and an access opening would further add to the traffic problem. She felt that the access opening could present a problem if large trucks tried to enter the exit from 43rd Street, because the traffic would be blocked both ways.

Board Action:

JOLLY moved to approve the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680.1 (g) - Special Exceptions) to establish off-street parking in an RS-3 District; and deny the request for an access opening on 42nd Place, and on the advice of council, the placement of the screening fence be determined at a later date and align the fence on these three lots as directed by District Court. Motion died for lack of a second.

Mr. Pauling, Legal Department, suggested the Board continue the placement of the fence pending a Court decision and in the interim, request that Traffic Engineering give consideration of the affect, if any, to the curve in relation to the placement of the fence. Mr. Pauling stated that the matter should be resolved by the November 17, 1977 meeting.

The Chairman asked Board Member Jolly if he wished to amend his motion.

Mr. Jolly stated that he objected to postponing a decision awaiting the decision of the Court. He further stated that the Board has a right to make a decision on facts presented to the Board just the same as District Court makes decisions on the facts presented them. He further added that he felt a 35' setback would eliminate any site problem.

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden, and Purser "aye", Guerrero "absent") approved the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Under the Provisions of Section 1680.1 (g) - Special Exceptions) to establish off-street parking in an RS-3 District; and deny an access opening on 42nd Place, and continue a decision in regard to the placement of the screening wall until November 17, 1977, and in the interim request that the Staff inquire from the City Engineer and Traffic Engineer as to where the wall should be placed in relation to the curve from a safety standpoint, on the following described tract:

Lots 16, 17 and 18, Block 4, Don Lee Addition to the City of Tulsa, Oklahoma.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 440 (6) - Mobile Homes) to locate mobile home in an RS-3 District located in the 6000 Block on South 39th West Avenue.



9715 (continued)

Presentation:

J. McMillen, 6002 South 39th West Avenue, applied to locate a mobile home on the subject property for his mother-in-law who is presently residing in Bristow. The applicant advised that there are four lots on the tract of land, which is east of Memorial near the Turner Turnpike. He stated that his mother-in-law is retiring in January and they preferred that she lived nearby as they could look after her.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden, and Purser, "aye", Guerrero "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-3 District for a period of one year with a removal bond required on the following described tract:

The South 180 feet of Tract 8, Howard Tracts in Section 18, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

9719

(Walden out at 3:05 p.m.)

Action Requested:

Exception (Section 610 - Principal Uses Permitted in Commercial Districts) to sell Christmas trees during the month of December, 1977 in a CS and RM-1 District located on the SE corner of 41st Street and Harvard Avenue.

Presentation:

J. D. Spitzer, of Southwest Nurseries, applied to sell Christmas trees for the month of December advising that he has sold trees at the same location for years.

Protests: None.

Board Action:

On MOTION of SMITH, the Board 3-0 (Jolly, Smith, and Purser "aye", Guerrero and Walden "absent") approved the Exception (Section 610 - Principal Uses Permitted in Commercial Districts) to sell Christmas trees during the month of December, 1977, on the following described tract:

Lot 1, Block 1, Villa Grove Heights Addition to the City of Tulsa, Oklahoma.

(Walden in at 3:08 p.m.)

9709

Action Requested:

Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to use property for sale of new and used automobiles and related activities in a CS District located SW of 45th Street and Sheridan Road.

10.20.77:246(9)

Presentation:

Charles Naiman, 3826 South Florence Avenue, applied to build a new car dealership located south of Tink Wilkerson's Company for the sale of new and used automobiles. The applicant advised that the building will be constructed similar to that of Tink Wilkerson. He advised that office and duplex zoning is adjacent to the rear of the property, across the street east; is a used lumber company and to the south is an office complex. Upon questioning by the Board, the applicant stated he did not have a specific plot plan and that he was aware of the flooding of Joe Creek and he has no plans of an access from the property west through this duplex or office zoned property.

Mr. Gardner, of the TMAPC Staff, advised that the western part of the area is zoned OM and is a buffer area. Since the applicant does not have a plot plan the Board should prohibit access to the west in the motion. He further stated that the Board should inquire as to the type of lighting to be placed on the property adding that the property also requires a subdivision plat prior to development, and drainage is approved by the City Engineer.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 3-0-1 (Jolly, Walden and Purser "aye", Smith "abstaining", and Guerrero "absent") approved the Exception (Section 710 - Principal Uses Permitted in Commercial Districts - Section 1217 - Automotive and Allied Activities) to use property for sale of new and used automobiles and related activities, subject to the property being platted, no access to the west, low lighting directed away from the office and duplex properties on the west, on the following described tract:

The East 800' of Lots 5 and 6, Richland Addition; and part of the SE/4 of the NE/4 of Section 27, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows, to-wit:

Beginning at the SE corner of Lot 1, Block 1, Imperial Plaza Addition; thence West along the South line of Lot 1, Block 1, 780 feet; thence South 150 feet; thence East 780 feet; thence North 150 feet to the point of beginning. Formerly Lots 13, 14, 15, 16, 17 and 18, Block 1, Imperial Plaza Addition and the East 45th Street South adjacent to said Lots on the South, more or less.

Board Member, Mr. Smith, informed the Board that a subdivision plat has already been submitted on the property. There is a proposed detention facility on the west edge of the property to accommodate drainage. The applicant is awaiting word from the General Motors Company as to a final plot plan.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420.1 - Accessory Uses Permitted in Residential Districts) to operate a rooming and boarding house in an RS-3 District to accommodate eight persons located at 4803 North Birmingham Place.

Presentation:

Eva Moore, 4803 North Birmingham Pl., applied to operate a boarding home at the subject location advising that those residing at her home will be former patients from Eastern State Hospital in Vinita, Oklahoma. Mrs. Moore advised that she plans to use her home on a temporary basis until she is able to find a larger place. She stated that she has a four bedroom home, with two daughters living at home. She advised that she plans to have 2 persons per room. She plans to keep both male and female at this location. Mrs. Moore stated that her only requirements from the City-County Health Department was a dishwasher and an additional sink. She stated that she will reside in the home with her 2 daughters, who will assist her with her boarders. She advised that she will receive boarders through the Tulsa office, and periodically she will be contacted concerning their welfare. She added that she would like to care for eight people and she does have ample room. Upon questioning by the Board, Mrs. Moore stated that she will be contacted by Eastern State Office here and a representative will be sent to her home to interview her and check the status of her home. She further stated that she advertises in the newspaper in hopes that this will steer boarders to her home. Mrs. Moore noted that her boarders will not have cars when they first establish residence with her, advising that she does have an automobile.

The Chairman stated that the Board does not know how many people Mrs. Moore will be allowed to keep, therefore, they have no knowledge of how many cars might be parked at the residence.

Protests:

John R. Gilbert, 2626 East 48th Street North, advised that he owns approximately 55 acres of land to the east and north of the subject property, and 48th Street provides access to his residence. He said the City should put up "no parking" signs on 48th Street because there are cars parked on the street which block his access. Mr. Gilbert added that the traffic has already blocked the street to the extent that he was forced to seek the aid of law enforcement officers to clear the street, and a boarding home would mean more traffic, and more cars. Mr. Gilbert stated that there are presently six people residing at the residence which has three bedrooms and a total of approximately 1,500 square feet of space. He also objected to the type of people that will be residing at the home, adding that they are youngsters sent to the home by the parents who are not able to control them, as well as youngsters with bad habits of which he is familiar. Mr. Gilbert stated that he has young children and a boarding house would be a detriment to the area and that he does protest the application.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Guerrero "absent") denied the Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 420.1 - Accessory uses Permitted in Residential Districts) to operate a rooming and boarding house in an RS-3 District (eight persons) located at 4803 North Birmingham Place on the following described tract:

Lot 5, Block 1, Robinwood Addition to the City of Tulsa, Oklahoma.

9721

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of 1630 - Minor Variances) of the frontage requirements in an RS-2 District to permit lot-splits (L-14126 and L-14127) located at the SW corner of 24th Street and 131st East Avenue.

Presentation:

The applicant was not present. The Staff advised that the Planning Commission approved the lot-splits subject to the approval of the Board.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser, "aye", Guerrero "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements in an RS-2 District to permit lot-splits (L-14126 and L-14127) on the following described tract:

(L-14126)

A tract lying in the SW/4 of the S/2 of the NW/4 of Section 16, Township 19 North, Range 14 East, Tulsa County, State of Oklahoma; more particularly described as follows, to-wit: Beginning East 615' and North 385' of the Southeast corner of the tract; thence West 145'; thence North 246.5'; thence East 145'; thence South 246.5'; south of the point of beginning.

(L-14127)

A tract lying in the NW/4 of Section 16, Township 19 North, Range 14 East, Tulsa County, State of Oklahoma; more particularly described as follows, to-wit: Beginning 615' East and 260' North of the SW corner of the S/2 of the NW/4 of said Section 16; thence West 145'; thence North 125'; thence East 145'; thence South 125'; to the point of beginning.

9724

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to operate a senior citizens home as an accessory use to a church in an RS-2 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts - Section 1208 - Multifamily Dwellings and Similar Uses - Under the Provisions of Section 1670 - Variances) to use property for a senior citizens home as an accessory use to a church located SE of 26th Street and Yale Avenue.

Presentation:

John Cassity, 5325 East 26th Place, applied to operate a senior citizens home as an accessory use to a church which was formed in 1954, and was built seventeen years ago. He advised that the proposed senior citizens home is church related as it will house senior citizens 50 years and older who have been recommended by their local church. The applicant submitted a site plan (Exhibit "F-1") and advised that there will be one hundred units which will be one-story in height and will contain fourplexes and sixplexes, located on approximately eight acres of land. The project will be properly landscaped according to the area. He advised that the one-story structure eliminated elevators, ramps and stairways and that all apartments will be self contained, each will range in size from 600 sq. ft. to 1,300 sq. ft. of space.

Mr. Cassity noted that the organization will be non-profit and charitable to aid those citizens that are not financially able to live along. There are no plans for preparing meals; however, a dining area will be available for those desiring to have a meal catered rather than prepare meals in the home. Mr. Cassity stated that the organization will form a Board of Directors from which the home will operate and hire the necessary personnel. He further stated that they do not plan an infirmary, but will aid the citizens in obtaining nursing care, adding that safety of the patients will be stressed. Mr. Cassity informed the Board of the plans to install in the bathroom as well as in the bedroom, an emergency switch that will enable each patient to communicate with the personnel if needed. Upon questioning, he stated that the exterior of the building is not yet known, but will blend with the present facility and neighborhood and will be enclosed by a security fence, possibly of wrought iron.

Board Member, Mr. Jolly stated that the plan does appear to be a good one, but he was having problems with the proposed plan fitting into Community Services and Cultural and Recreational Facilities as an exception to RS-2 zoned area under Section 410 of the Code, and asked the applicant if he could be prepared to make a presentation for a principal use variance by November 3, to which the applicant agreed that he could.

Mr. Gardner, TMAPC Staff, stated that the applicant had filed a multifamily zoning application which was continued, pending the outcome of the Board's hearing. The property is located in an area in which conventional multifamily zoning cannot be supported. He stated that the applicant was not prepared to present the application as a principal use variance at this time and needed a continuance.

Protests:

Tom Jenkins, 3704 South Braden Place, advised that he has resided at his residence for fourteen years. Mr. Jenkins stated that he was not certain if he was for or against the proposed project because he had not seen the plan or architectural design. He questioned the cost, and expressed concern that on the east boundary line there is only a 5' utility easement to accommodate the property owners in the area. Mr. Jenkins advised that if the project is allowed, two or

three people would be required to use the sewer that was originally designed for single-family residences. He added that there is no parking, and no easement for utilities. Mr. Jenkins stated that he had a letter from the applicant proposing to build 100 units on six acres utilizing the natural drainage which he fears will cause flooding problems. He feared the results of the home, if not properly maintained.

Roger Buyers, 3713 South Braden Place, stated that he is convinced that the proposed development is a multifamily development of small units, with what appears to be four to six hundred square feet of space. Mr. Buyers stated that the area is surrounded to the east and south with homes ranging in price of 60 to 100,000 dollars and this type project certainly does not help the evaluation of the homes. He felt the project should be located in a downtown or suburban area as it would decrease the values in the neighborhood and increase the traffic. Mr. Buyers said he does not object to the development, but he does object to the proposed location.

Dr. William Ewell, 3716 South Braden Place, resides in the fifth house next to the proposed development and advised that the traffic will be greatly increased at both 36th Street and Yale Avenue, if this project is allowed. He further stated that the water runoff with this number of units will be increased and he doesn't feel the sewer system is equipped to handle the development. In addition, he felt the development would increase taxation.

Glen Wynn, Representative of District 6, stated that he and the area residents had met with Mr. Cassity and the church at several meetings and they were not in favor of multifamily zoning. He stated that he was advised by Mr. Crain of the TMAPC Staff, that maybe the use would fit in Use Unit 5 by Board exception and not require rezoning. Mr. Wynn stated that there are a number of problems involved including a drainage problem. He advised that if the application does fit under Use Unit 5, that it be tailored to this particular area so that all churches in the area do not have housing as a matter of right or by precedent. We do not want to burden some other area with the same kind of situation.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye", Guerrero "absent") to continue application #9724 to November 3, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

9725

Action Requested:

Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to build across a lot line in an RS-3 District located at 3923 West Easton Street.

Presentation:

The applicant, John Waresback, submitted a plot plan (Exhibit "G-1") requested to build an attached garage across the lot boundary line in the Lazy Sue and Highfill Additions.

Protests: None.

10.20.77:246(14)

9725 (continued)

Board Action:

On MOTION of SMITH, the Board 4-0 (Jolly, Smith, Walden, and Purser "aye"; Guerrero "absent") approved a Variance (Section 430 - Bulk and Area Requirements in Residential Districts - Under the Provisions of Section 1630 - Minor Variances) to build across a lot line, subject to the plot plan submitted, on the following described tract:

Lot 1, Block 1, Lazy Sue Addition; and Lot 6, Block 1, Highfill Addition to the City of Tulsa, Tulsa County, Oklahoma.

9682

Action Requested:

Variance (Section 1420 (a) - Nonconforming Use of Buildings or Buildings and Land in Combination - Under the Provisions of Section 1670) to enlarge a nonconforming use by joining two buildings in an RS-1 District; and a Variance (Section 410 - Principal Uses Permitted in Residential Districts (Section 1214 - Shopping Goods and Services - Under the Provisions of Section 1670) to use property for antique sales and sterling flatware located at 8312 East 11th Street.

Presentation:

Mr. Gardner, TMAPC Staff, advised that the subject location is within the moratorium area and probably November 17, 1977 would be an appropriate date for the hearing.

Protests: None.

Board Action:

On MOTION of JOLLY, the Board 4-0 (Jolly, Smith, Walden and Purser "aye"; Guerrero "absent") continued application #9682 to November 17, 1977, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

There being no further business, the meeting was adjourned at 4:30 p.m.

Date Approved

November 17, 1977

Lathia Purser  
Chairman